

# STATES OF JERSEY



Jersey

## **DRAFT UNLAWFUL PUBLIC ENTERTAINMENTS (JERSEY) REGULATIONS 201-**

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**Lodged au Greffe on 4th June 2019  
by the Minister for Home Affairs**

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**STATES GREFFE**



## REPORT

The [Unlawful Public Entertainments \(Jersey\) Regulations 2016](#) (“the 2016 Regulations”) are triennial Regulations which expire on 20th July 2019.

The Draft Unlawful Public Entertainments (Jersey) Regulations 201- (“the draft Regulations”) make the same provision as the 2016 Regulations. In particular, they provide that it is an offence to hold public entertainments without the permission of the Bailiff, and that the Bailiff may grant such permission subject to any conditions that he thinks fit.

In April 2015, the Assembly adopted the seventh amendment ([P.27/2015 Amd.\(7\)](#)) to the Draft Strategic Plan 2015 – 2018 ([P.27/2015](#)), agreeing to – “*Delegate authority to the Parish of St. Helier for the licensing of small-scale events within the parish, including in its public squares and precincts, after appropriate consultation with the relevant authorities and subject to all necessary safeguards, risk assessments being in place*”.

In addition, in June 2015, the Assembly agreed in principle that marriage should be allowed to take place in the open air and in public spaces (*see* [P.65/2015](#)).

Further, in January 2016, the Assembly also adopted the [Road Works and Events \(Jersey\) Law 2016](#) (*from* [P.152/2015](#)), which revised powers for highway authorities, and gave the Minister for Transport and Technical Services (*now the Minister for Infrastructure*) the duty of regulating some events on beaches.

These statutory changes were overlaid on an already complicated system of events regulation, that rests on a patchwork of both legislation and customary law across Government.

In 2016, the Assembly was advised that work had commenced on scoping an alternative route for the management and approval of entertainments and events in the public domain. The intention was to establish a single, centrally-managed register to manage the use of public space. This would alleviate the potential issues that might arise from the current position, where there are multiple routes to gain temporary rights of usage over public space, with multiple decision-makers who are not bound to communicate with one another.

However, given the complexity of the legislative framework around events regulation, and the significant number of other priorities that the Government has been required to address in the period, this work has not yet concluded. Hence it is appropriate that these draft Regulations are enacted and brought into force to maintain the current position.

These draft Regulations have been subject to a human rights audit, and have been found to contain no human rights implications.

### **Financial and manpower implications**

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



**EXPLANATORY NOTE**

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The Draft Unlawful Public Entertainments (Jersey) Regulations 201- if passed will replace the Unlawful Public Entertainments (Jersey) Regulations 2016 on their expiry, and expire after another 3 years. It will remain an offence to hold a public entertainment without the permission of the Bailiff, or to contravene a condition on that permission.





Jersey

## **DRAFT UNLAWFUL PUBLIC ENTERTAINMENTS (JERSEY) REGULATIONS 201-**

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## **DRAFT UNLAWFUL PUBLIC ENTERTAINMENTS (JERSEY) REGULATIONS 201-**

*Made* [date to be inserted]  
*Coming into force* [date to be inserted]

**THE STATES** make these Regulations under the Order in Council dated 14th April 1884<sup>1</sup> –

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

- (1) A person who organises or is otherwise concerned in providing an unlawful public entertainment commits an offence and is 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.
- (3) The Bailiff may grant permission for the provision of a public entertainment subject to such conditions as the Bailiff thinks fit.

### **2 Contravention of condition of permission an offence**

An organiser of, or a person otherwise concerned in providing, a public entertainment commits an offence and is liable for a term of 6 months and to a fine if –

- (a) any condition of the Bailiff's permission for the entertainment is contravened; and
- (b) the organiser of, or person otherwise concerned in providing, the entertainment did not take all reasonable precautions to avoid the contravention.

### **3 Offences by body corporate, etc.**

- (1) In this Regulation –
  - “relevant body” means a limited liability partnership, a separate limited partnership, a limited liability company, an incorporated limited partnership or another body corporate;
  - “relevant offence” means an offence that is committed by a relevant body;

“relevant person” means –

- (a) if the relevant offence is committed by a limited liability partnership, a partner of the partnership;
  - (b) if the relevant offence is committed by a separate limited partnership or an incorporated limited partnership –
    - (i) a general partner, or
    - (ii) a limited partner who is participating in the management of the partnership;
  - (c) if the relevant offence is committed by a limited liability company or a body corporate (other than an incorporated limited partnership) –
    - (i) a director, manager, secretary or other similar officer of the body corporate, or
    - (ii) if the affairs of the body corporate are managed by its members, a member who is acting in connection with the member’s functions of management; and
  - (d) a person purporting to act in any capacity described in subparagraphs (a) to (c) in relation to the relevant body that commits the relevant offence.
- (2) If a relevant offence under Regulation 1 or 2 is proved to have been committed with the consent or connivance of a relevant person, that relevant person is also guilty of the offence and liable in the same manner as the relevant body to the penalty provided for that offence.
  - (3) If a relevant offence under Regulation 2 is proved to be attributable to any neglect on the part of a relevant person, that relevant person is also guilty of the offence and liable in the same manner as the relevant body to the penalty provided for the offence.

#### **4 Saving of customary law**

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

#### **5 Citation, commencement and duration**

- (1) These Regulations may be cited as the Unlawful Public Entertainments (Jersey) Regulations 201-.
- (2) These Regulations come into force on 21st July 2019 and remain in force for 3 years from that date.

## ENDNOTES

### Table of Endnote References

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<sup>1</sup> *chapter 16.700*