



Jersey

LIQUOR (RESTRICTIONS ON CONSUMPTION) (JERSEY) LAW 2005

Official Consolidated Version

This is an official version of consolidated legislation compiled and issued under the authority of the Legislation (Jersey) Law 2021.

Showing the law from 1 January 2019 to Current



Jersey

LIQUOR (RESTRICTIONS ON CONSUMPTION) (JERSEY) LAW 2005

Contents

Article

1	Interpretation	3
2	Removal of liquor from young persons	4
3	Removal of liquor intended for young persons.....	5
4	Enforcement	6
5	Disposal of containers and their contents by police officers	6
6	Return of containers obtained from young persons	6
7	Disposal under court orders	7
8	Penalty	7
9	Parties to offences.....	7
10	Citation	7

ENDNOTES 8

Table of Legislation History.....	8
Table of Endnote References	8



Jersey

LIQUOR (RESTRICTIONS ON CONSUMPTION) (JERSEY) LAW 2005

A LAW to enable a police officer to require a young person not to consume intoxicating liquor in a public place, or in a place to which he or she has unlawfully gained access, if the officer believes on reasonable grounds that the young person is consuming, has recently consumed or intends to consume intoxicating liquor there; to provide for the removal from such a person of a container reasonably believed to contain intoxicating liquor; to provide for the removal, from any person in a public place or a place to which the person has unlawfully gained access, of a container reasonably believed to contain intoxicating liquor, if it is also believed on reasonable grounds that it is held for consumption by a young person in such a place; to provide for the detention and disposal of containers so removed, and their contents; and for connected and incidental purposes.

Commencement [[see endnotes](#)]

1 Interpretation

- (1) In this Law, unless the context otherwise requires –
- “liquor” means intoxicating liquor as defined in Article 1(1) of the [Licensing \(Jersey\) Law 1974](#);
- “public place” does not include –
- (a) licensed premises as defined in Article 1(1) of the [Licensing \(Jersey\) Law 1974](#); or
- (b) any other place at which liquor may for the time being lawfully be sold;
- “young person” means a person who has not attained the age of majority.
- (2) For the purposes of this Law, a person is responsible for a young person –
- (a) if the first person is a parent or guardian of the young person; or
- (b) if the first person has attained the age of majority, and is for the time being the person immediately responsible for the young person’s well-being (whether because the young person is the other person’s guest or for any other reason).

- (3) Where this Law confers any power on a police officer or on a court in respect of any container, the Law shall also be construed (unless otherwise expressly provided) as conferring the same power on that police officer or court in respect of the contents of the container.

2 Removal of liquor from young persons

- (1) This Article applies if –
- (a) a young person is in any public place;
 - (b) a police officer reasonably believes that the young person is in possession of liquor;
 - (c) the police officer reasonably believes that the young person is consuming or has recently consumed or intends to consume liquor in that place; and
 - (d) the young person is not accompanied by a person who is responsible for the young person.
- (2) This Article also applies if –
- (a) a young person is in a place to which he or she has unlawfully gained access;
 - (b) a police officer reasonably believes that the young person is in possession of intoxicating liquor; and
 - (c) the police officer reasonably believes that the young person is consuming or has recently consumed or intends to consume liquor in that place.
- (3) The police officer may require the young person not to consume in the place concerned –
- (a) liquor; or
 - (b) anything that the police officer reasonably believes to be liquor.
- (4) The police officer may require the young person to surrender to a police officer any container –
- (a) that is in the young person's possession in the place concerned; and
 - (b) that the police officer reasonably believes to contain liquor,
- and a police officer may detain a container so surrendered.
- (5) The police officer may require the young person to give his or her name and address to a police officer.
- (6) If the police officer is not in uniform, he or she shall before imposing a requirement on a young person under any of paragraphs (3), (4) and (5) show documentary evidence that he or she is a police officer to the young person.
- (7) A police officer who imposes a requirement on a young person under any of paragraphs (3), (4) and (5) shall inform the young person that failing without reasonable excuse to comply with the requirement is an offence.
- (8) A young person who fails without reasonable excuse to comply with a requirement imposed on the young person under any of paragraphs (3), (4) and (5) shall be guilty of an offence.

3 Removal of liquor intended for young persons

- (1) This Article applies if –
 - (a) a person is in any public place;
 - (b) a police officer reasonably believes that the person is in possession of liquor;
 - (c) the person is with a young person in that place, or the police officer reasonably believes that the first person has recently been with a young person in that place;
 - (d) the police officer reasonably believes that the first person intends to give liquor to the young person for consumption in that place; and
 - (e) the young person is not accompanied by a person who is responsible for the young person.
- (2) This Article also applies if –
 - (a) a person is in a place to which he or she has unlawfully gained access;
 - (b) a police officer reasonably believes that the person is in possession of intoxicating liquor;
 - (c) the person is with a young person in that place, or the police officer reasonably believes that the first person has recently been with a young person in that place; and
 - (d) the police officer reasonably believes that the first person intends to give the intoxicating liquor to the young person for consumption in that place.
- (3) The police officer may require the first person to whom paragraph (1) or paragraph (2) refers (“the first person”) to surrender to a police officer any container –
 - (a) that is in the person’s possession in the place concerned; and
 - (b) that the police officer reasonably believes to contain liquor,and a police officer may detain a container so surrendered.
- (4) The police officer may require the first person to give his or her name and address to a police officer.
- (5) If the police officer is not in uniform, he or she shall before imposing a requirement on a person under either of paragraphs (3) and (4) show documentary evidence that he or she is a police officer to the person.
- (6) A police officer who imposes a requirement on a person under either of paragraphs (3) and (4) shall inform the person that failing without reasonable excuse to comply with the requirement is an offence.
- (7) A person who fails without reasonable excuse to comply with a requirement imposed on the person under either of paragraphs (3) and (4) shall be guilty of an offence.
- (8) In this Article, “the place concerned” means –
 - (a) the public place, if this Article applies by reason of paragraph (1); and
 - (b) the place to which the first person has unlawfully gained access, if this Article applies by reason of paragraph (2).

4 Enforcement

If a person commits an offence under either of Articles 2 and 3, a police officer may seize and detain any container –

- (a) that is in the person's possession in the place in which the offence occurs; and
- (b) that the police officer reasonably believes to contain liquor.

5 Disposal of containers and their contents by police officers

- (1) A police officer may dispose of –
 - (a) any container that is surrendered to a police officer in compliance with a requirement under either of Articles 2 and 3, and detained under that Article by a police officer; or
 - (b) any container that is seized and detained by a police officer under Article 4.
- (2) Paragraph (1) does not authorize a police officer to dispose of a sealed container or its contents.
- (3) Paragraph (1) does not authorize a police officer to dispose of an unsealed container that has intrinsic value apart from the fact that –
 - (a) it is a container; or
 - (b) it is made from material of which containers of liquor are ordinarily made, but this restriction does not apply to the contents of the container.
- (4) Nothing in this Article prevents a police officer from returning a container (whether or not including its contents) to the person by whom it is surrendered or from whom it is seized.
- (5) However, paragraph (4) is subject to Articles 6 and 7.

6 Return of containers obtained from young persons

- (1) This Article applies to a container –
 - (a) that is surrendered to a police officer by a young person in compliance with a requirement under either of Articles 2 and 3; or
 - (b) that is seized by a police officer under Article 4 from a young person.
- (2) A police officer may only return a container to which this Article applies (whether or not including its contents) to a young person by whom it is surrendered or from whom it is seized –
 - (a) by delivering the container to a parent or guardian of the young person; or
 - (b) in accordance with a court order.
- (3) If a police officer delivers a container to a parent or guardian of a young person under paragraph (2), the container shall be taken to have been returned to the young person.

7 Disposal under court orders

- (1) A court before which a person is convicted of an offence under this Law may order anything shown to its satisfaction to be –
 - (a) a container surrendered to a police officer in compliance with a requirement under either of Articles 2 and 3; or
 - (b) a container seized by a police officer under Article 4,to be forfeited or disposed of in such other manner as the court may order.
- (2) If a court orders a container to be forfeited under paragraph (1), it may order the container to be destroyed or dealt with in such other manner as the court may order.

8 Penalty

A person who commits an offence under this Law shall be liable to a fine of level 2 on the standard scale.

9 Parties to offences

Any person who aids, abets, counsels or procures the commission of an offence under this Law shall also be guilty of the offence and liable in the same manner as a principal offender to the penalty provided for that offence.

10 Citation

This Law may be cited as the Liquor (Restrictions on Consumption) (Jersey) Law 2005.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Liquor (Restrictions on Consumption) (Jersey) Law 2005	L.38/2005	16 December 2005

Table of Endnote References

There are currently no endnote references