



Jersey

## ALCOHOL LICENSING (JERSEY) LAW 202-

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Jersey

## ALCOHOL LICENSING (JERSEY) LAW 202-

A **LAW** to make new provisions regulating the sale and consumption of alcohol and for connected purposes.

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<i>Adopted by the States</i>	<i>10 March 2026</i>
<i>Sanctioned by Order of His Majesty in Council</i>	<i>[date to be inserted]</i>
<i>Registered by the Royal Court</i>	<i>[date to be inserted]</i>
<i>Coming into force</i>	<i>[date to be inserted]</i>

**THE STATES**, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following Law –

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### PART 1

#### INTRODUCTORY PROVISIONS

##### 1 Interpretation

(1) In this Law –

“alcohol” means wine, beer, cider, spirits and any other liquor with an alcoholic content of 1.2% volume or more but does not mean liqueur confectionery;

“Alcohol Policy Framework” has the meaning given in Article 4;

“Alcohol Policy Group” has the meaning given in Article 3;

“applicant” means a person who applies for a licence under this Law;

“application” means an application for a licence under this Law;

“authorised person” means –

(a) the person appointed as the Chief Officer (or equivalent) of the administration of the States responsible for regulating the sale of alcohol; and

(b) any officer of that administration designated by the Chief Officer to be an authorised person;

“bar” means the place in licensed premises where drinks are ordered by customers who usually congregate there to consume them;

“Chief Fire Officer” is construed in accordance with Article 4 of the [Fire and Rescue Service \(Jersey\) Law 2011](#);

“Chief Police Officer” means the Chief Officer of the States of Jersey Police Force;

“chose publique permit” means a permit granted under the [Customary Law \(Choses Publiques\) \(Jersey\) Law 1993](#);

“employee” has the meaning given by Article 1A of the [Employment \(Jersey\) Law 2003](#);

“exclusion order” means an order under Article 37;

“general condition” has the meaning assigned by Article 24;

“key licensing objectives” has the meaning given in Article 3(4);

“licence” means an alcohol licence granted under this Law;

“licensed premises” means premises in respect of which a licence issued under this Law is in force, but if there is a *chose publique* permit for any part of the premises, includes that part only while the permit holder –

(a) exercises an exclusive right under the permit to occupy the part; and

(b) uses the part for the purposes of the licence;

“licensee”, in relation to any licensed premises, means the holder of the licence granted in respect of those premises;

“manager” means a manager registered under Article 17;

“Medical Officer of Health” means the Inspecteur Médical appointed under Article 10 of the [Loi \(1934\) sur la Santé Publique](#);

“Minister” means the Minister for Sustainable Economic Development;

“parish concerned” means, as regards a licence or an application, the parish in which the premises to which the licence or application relates are situated and, in the case of an application in respect of premises consisting of a mobile unit all parishes in which the unit is proposed to operate;

“permitted hours” means, as regards a licence, the hours the premises may be open for the sale of alcohol as specified in the conditions attached to the licence;

“person accommodated for reward”, on licensed premises, excludes the licensee and a person employed in the conduct of the business on the premises;

“premises” includes any place;

“public bar” means a bar designated as a public bar by an authorised person;

“registered tourist premises” means premises registered under the [Tourism \(Jersey\) Law 1948](#);

“relevant decision” means a decision of an authorised person –

(a) to grant a licence under Article 8;

(b) to refuse to grant a licence under Article 8;

(c) to impose or vary a condition on a licence under Article 14(3);

(d) to give a direction under Article 44(1);

(e) to register a manager or deputy manager under Article 17;

(f) to refuse to register a manager or deputy manager, or revoke their registration under Article 17; or

(g) to suspend or revoke a licence under Article 45;

“repealed Law” means the [Licensing \(Jersey\) Law 1974](#);

“sell” includes offer or agree to sell or expose for sale;

“unlawful gambling” means any type of gambling the conduct of which constitutes an offence under the [Gambling \(Jersey\) Law 2012](#) or a breach of a condition imposed on a licence under that Law;

“vessel” includes any ship or boat, or any other description of vessel used in navigation.

- (2) Except in Article 65(a), words and phrases relating to alcoholic drinks have the same meaning as in the [Customs and Excise \(Jersey\) Law 1999](#).

## 2 Categories of alcohol licence

The categories of alcohol licence provided for by this Law are –

- (a) the On-Licence;
- (b) the Off-Licence; and
- (c) the Special Events Alcohol Licence.

## 3 Alcohol Policy Group

- (1) There is established the Alcohol Policy Group to advise the Council of Ministers on the development of an Alcohol Policy Framework containing the policy regarding the sale of alcohol.
- (2) The members of the Alcohol Policy Group are –
- (a) the Minister for Sustainable Economic Development who chairs the Group;
  - (b) the Minister for Justice and Home Affairs;
  - (c) the Minister for Health and Social Services;
  - (d) the Connétable of St. Helier; and
  - (e) another Connétable nominated by the Comité des Connétable.
- (3) The quorum for meetings of the Alcohol Policy Group is 4 members and if the Minister for Sustainable Economic Development is not present, the members present must appoint another member to chair the meeting.
- (4) The key licensing objectives of the Alcohol Policy Group in carrying out its functions are –
- (a) to promote a strong and competitive business environment which attracts investment;
  - (b) to promote public safety, health and wellbeing; and
  - (c) to protect children and young people from alcohol-related harm.
- (5) The States may by Regulations amend this Law in relation to the key licensing objectives.

## 4 Alcohol Policy Framework

- (1) The Alcohol Policy Group, whenever it considers it necessary or expedient, must prepare or revise an Alcohol Policy Framework, for the purposes of –
- (a) advising an authorised person on the discharging of their functions under this Law, including the imposing of conditions in respect of the grant of alcohol licences;

- (b) detailing how the discharging of those functions would advance the key licensing objectives.
- (2) The Alcohol Policy Framework must include –
  - (a) an overview of how the persons and bodies with functions under this Law should work to deliver the key licensing objectives;
  - (b) the criteria to be used by an authorised person for the grant, suspension or revocation of licences;
  - (c) the criteria for assessing what generally constitutes a fit and proper person under this Law;
  - (d) any other matter relating to the sale of alcohol that the Alcohol Policy Group considers appropriate.
- (3) The Framework must be lodged *au Greffe* by the Council of Ministers for the approval of the States and the Framework is of no effect until it is so approved.
- (4) Before the Framework is lodged, the Group must consult –
  - (a) the Medical Officer of Health;
  - (b) the Chief Police Officer;
  - (c) the Comité des Connétables;
  - (d) a person or body that the Group considers is representative of alcohol retailers.

## PART 2

### GRANT OF ALCOHOL LICENCES AND ASSOCIATED PROVISIONS

#### 5 Applications for licences

- (1) A person who wishes to sell alcohol must apply to an authorised person for a licence under this Part.
- (2) The application must –
  - (a) be in the form that an authorised person requires;
  - (b) contain or be accompanied by the information and documents that an authorised person requires;
  - (c) be accompanied by any fee required under Article 11.
- (3) An authorised person may require the applicant to provide additional information that the authorised person considers necessary to decide the application.
- (4) An authorised person must send a copy of the application (including any accompanying or additional information provided) to –
  - (a) the Connétable of the parish concerned in accordance with Article 7;
  - (b) the Chief Police Officer;
  - (c) the Chief Fire Officer;
  - (d) the Medical Officer of Health.
- (5) On receipt of the application, an authorised person must –
  - (a) within 21 days publish a notice on a website of an administration of the States for which the Minister has responsibility, giving details of the application,

including the proposed category of licence, any proposed conditions of the licence and the location of the premises; and

- (b) invite the public to make representations on the application, explaining the procedure for doing so.
- (6) The authorised person may, at their discretion, extend the notice period mentioned in paragraph (5)(a) by up to 14 days.

## **6 Inspection of premises**

- (1) If an application is made for the grant of an On-Licence or a Special Events Alcohol Licence, an authorised person may request the Chief Fire Officer, the Medical Officer of Health and any other competent person that the Minister wishes, to inspect the premises to which the application relates and report to an authorised person in writing on the suitability of the premises.
- (2) A report under paragraph (1) must mention the condition of toilets and washing facilities and the adequacy of precautions against fire and provisions for the safety of people in the case of fire.
- (3) The report must also state whether, in the view of the competent person writing the report, any part of the premises used or to be used for entertainment are sufficiently insulated to ensure that the level of noise coming from the entertainment is not or will not be at an unreasonable level and detrimental to the people in the surrounding area.
- (4) The expenses reasonably incurred by an authorised person under this Article must be reimbursed by the applicant as a condition of the grant of the licence up to the level of the licence fee payable.

## **7 Consideration of applications by Parish Assembly**

- (1) An authorised person must refer every application to the Connétable of the parish concerned for a Parish Assembly to decide whether or not to recommend to an authorised person that the licence should be granted.
- (2) If a report was supplied under Article 6(1) an authorised person must supply it to the Connétable.
- (3) On receipt of an application under this Article the Connétable must convene a Parish Assembly within 5 weeks.
- (4) The convening notice must contain the name of the applicant (which, in the case of an application made by a body corporate, means the name of that body), the name of the club (if any) on behalf of which the application is made, the address of the premises to which the application relates and the type of licence applied for.
- (5) At the Parish Assembly –
  - (a) an applicant may be present and may be represented by an authorised representative of the applicant's choice, and if the applicant is not an individual, it may be represented by its director or other representative of the applicant's choice;
  - (b) an authorised person may be present and may address the Assembly;
  - (c) a member of the Assembly may, without affecting their rights as a member, object by an advocate or a solicitor to the grant of a licence.

- (6) The Connétable must submit to the Assembly any report supplied to the Connétable under paragraph (2).
- (7) The Connétable must, not later than 1 week after the Parish Assembly is held, send to an authorised person a report containing the recommendation of the Parish Assembly on the consideration of the application.

## **8 Grant or refusal of licences by authorised person**

- (1) An authorised person must, after considering an application and the reports supplied under Articles 6(1) and 7(7) –
  - (a) grant a licence to the applicant (whether or not of the category applied for); or
  - (b) refuse to grant them a licence.
- (2) In considering the application, or whether a licence of a different category to that applied for should be granted, an authorised person must have regard to the recommendation of the Parish Assembly and to any representations received under Article 5(5)(b), and, if their determination differs from that recommendation, they must provide an explanation in writing of their rationale to the Connétable of the parish concerned.
- (3) An authorised person may grant a licence only if satisfied that the applicant is a fit and proper person to hold the licence and that the licence should be granted having regard to –
  - (a) the application, and the reports the authorised person has considered;
  - (b) the interests of the public in general;
  - (c) the nature of the business conducted or to be conducted on the premises sought to be licensed and the suitability of those premises for the conduct of that business;
  - (d) any criteria to be used by an authorised person set out in the Alcohol Policy Framework;
  - (e) whether at any time –
    - (i) a direction has been given to the applicant under Article 44; or
    - (ii) a licence held by the applicant has been suspended or revoked under Article 45 or under the repealed Law; and
  - (f) judgments of the Licensing Assembly under the repealed Law.
- (4) An authorised person must attach to a licence the conditions that they consider desirable having regard to all the circumstances of the case, including the permitted hours and any designation of a bar as a public bar and any standard conditions set out in the Alcohol Policy Framework.
- (5) In the case of premises consisting of a mobile unit, an authorised person must specify the locations to which the licence applies and the premises may operate only from a single location at any one time.
- (6) But a condition imposed must not include any provision –
  - (a) that is inconsistent with this Law or any enactment made under it;
  - (b) that limits a power of an authorised person or a duty of a licensee under a general condition; or
  - (c) that would substantially depart from the Alcohol Policy Framework.

- (7) A licence takes effect from the date specified in the licence, which must be no earlier than the date on which it is granted, and continues in force until –
  - (a) suspended or revoked by an authorised person;
  - (b) surrendered by the licensee by giving notice in writing to an authorised person; or
  - (c) the licensee ceases to have a right to occupy the premises to which the licence relates.

## **9 Provisional grant of licences**

- (1) A person intending to apply for the grant of a licence in respect of premises about to be constructed or adapted, or in the course of construction or adaptation, may apply for the provisional grant of a licence in respect of those premises.
- (2) The application must be accompanied by plans of the premises and evidence that consent for the construction or adaptation of the premises required under the [Planning and Building \(Jersey\) Law 2002](#) has been obtained.
- (3) An authorised person must send copies of the plans and evidence to the Chief Fire Officer and the Medical Officer of Health, who must prepare reports to be sent to an authorised person.
- (4) If an application relates to registered tourist premises or premises proposed to be registered with the Minister as tourist premises, an authorised person must also send copies of the relevant plans to the Minister.
- (5) An application for the grant of a provisional licence is subject to the procedure for an application for the grant of a licence under Articles 5, 7 and 8.

## **10 Completion of works and confirmation of provisional licences**

- (1) Once the work of construction or adaptation has been completed, the holder of the provisional licence must submit to an authorised person the certificate of an architect stating that the work has been completed in accordance with the plans submitted (or, if the plans have been modified, indicating the nature of the modifications and stating that the work has been completed in accordance with those modified plans).
- (2) An authorised person may request the Chief Fire Officer, the Medical Officer of Health or other competent person to undertake an inspection following completion of the work.
- (3) On receiving the certificate and on payment of the required fee, an authorised person must –
  - (a) confirm the licence if the plans have not been modified; or
  - (b) confirm or refuse to confirm the licence as they see fit if –
    - (i) the plans have been modified; or
    - (ii) there has been an inspection under paragraph (2).
- (4) A licence confirmed under this Article takes effect on the date on which it is confirmed and is valid for an indefinite period.
- (5) But a licence confirmed under this Article will expire, and the licensee ceases to have a right to occupy the premises to which the licence relates, if, while it is still in force –
  - (a) the licensee applies for and is granted a licence under Article 8;

- (b) the licensee surrenders the licence; or
  - (c) it is revoked by an authorised person.
- (6) In this Article, “architect” means an architect registered under the [Architects \(Registration\) \(Jersey\) Law 1954](#).

## 11 Fees

- (1) The fees payable under this Law are –
- (a) an application fee payable before a licence is issued and on confirmation of a provisional licence; and
  - (b) an annual fee payable on the anniversary of the date the licence takes effect under Article 8(7).
- (2) The Minister may by Order set the level fees payable under this Law.

## 12 Multiple licences and premises

- (1) A person may hold more than 1 licence each of which relates to different premises.
- (2) A separate manager must be registered for each licensed premises other than those to which an Off-Licence relates.
- (3) But a manager may be registered for more than 1 licensed premises if an authorised person is satisfied that the premises for which the manager is responsible are sufficiently near each other for the manager to be able to carry out their duties satisfactorily at each premises.

## 13 Provision of copies to Attorney General

An authorised person must, at the request of the Attorney General, provide the Attorney General with –

- (a) a list of applications for licences;
- (b) an application for a licence;
- (c) a report provided in respect of a licence;
- (d) a copy of a licence;
- (e) written communications between a holder of a licence and an authorised person;
- (f) an application for the registration of a manager;
- (g) a copy of the report on the suitability of the premises under Article 6(1); and
- (h) a copy the Connétable’s report mentioned in Article 7(7).

## 14 Review of licences by authorised person

- (1) An authorised person may review a licence of their own volition, at the request of the licensee or following a reference to an authorised person under paragraph (2).
- (2) If the Attorney General, the Chief Police Officer, the Chief Fire Officer or the Connétable of the parish concerned consider it appropriate to do so, they may refer a matter relating to a licence to an authorised person.

- (3) If, having regard to all the circumstances of the case, they consider it appropriate to do so, an authorised person may –
  - (a) exercise their powers to suspend or revoke the licence under Article 45; or
  - (b) impose or vary any conditions applicable to it that an authorised person considers desirable.
- (4) Before making a decision under paragraph (3)(b), an authorised person must give the licensee an opportunity to respond to the matters raised.

## **15 Duty of licensee to co-operate**

A licensee must –

- (a) co-operate with the States of Jersey Police Force, the States of Jersey Fire and Rescue Service and an authorised person as required in the exercise of the functions of those bodies and that person;
- (b) on request provide the information to them that they may reasonably require in the exercise of those functions.

## **16 Minister to publish particulars**

The Minister must publish on a website of an administration of the States for which the Minister has responsibility a list of all licensed premises and the licence conditions attached to each licence, including the permitted hours.

# **PART 3**

## **CONDUCT OF LICENSED PREMISES**

## **17 Appointment, registration and duties of managers**

- (1) A licensee may, and if they are a person other than a natural person must, appoint an individual as manager to run the licenced premises on their behalf.
- (2) A licensee may also appoint an individual as deputy manager to carry out the functions of the manager in the manager's absence.
- (3) An appointment under this Article does not take effect unless and until it is registered under this Article.
- (4) An authorised person must not register a person as a manager or deputy manager unless they are satisfied that the person is a fit and proper person to have charge of the licensed premises.
- (5) If an authorised person considers that a person registered as a manager or deputy manager is not a fit and proper person, they must revoke the registration.
- (6) If an authorised person registers or revokes the registration of a person as a manager or deputy manager, an authorised person must notify the Connétable of the parish concerned, the States of Jersey Police Force and the States of Jersey Fire and Rescue Service of the registration or revocation.
- (7) The provisions of this Law relating to licensees apply to any manager or deputy manager appointed under this Article.

## 18 Closing of licensed premises

Nothing in this Law prevents the licensee from closing the licensed premises at any time and for any period.

## 19 Right to exclude persons from licensed premises

- (1) The licensee, or their employee or agent, may refuse to admit a person to, or expel a person from, the licensed premises if they reasonably believe –
  - (a) the person is drunk, under the influence of drugs, violent or disorderly and their presence on the licensed premises may constitute a breach of the general conditions; or
  - (b) the person's presence on the licensed premises could result in the licensee being liable to a penalty under this Law.
- (2) No reason need be given to the person for refusing to admit or expelling them under paragraph (1) nor does paragraph (1) limit any other right to refuse to admit to, or expel a person from, licensed premises.
- (3) A police officer must, at the request of the licensee, or their employee or agent, help to expel from the licensed premises a person liable to be expelled under this Article and may use the force required for the purpose.
- (4) A person who enters licensed premises having been refused admission, or refuses or fails to leave licensed premises on being requested by a person mentioned in paragraph (1) or (3), commits an offence and is liable to a fine of level 2 on the standard scale.

## 20 Circumstances in which licence has no effect unless manager appointed

A licence is of no effect after a period of 28 days unless a manager has been appointed and registered with an authorised person if the licensee –

- (a) is a person other than a natural person;
- (b) dies or appoints an attorney without whom the licensee must not transact matters relating to movable or immovable property;
- (c) has a delegate appointed under Part 4 of the [Capacity and Self-Determination \(Jersey\) Law 2016](#);
- (d) becomes incapable, by reason of physical or mental illness or disability or from any other cause, of having charge of the licensed premises; or
- (e) if the Viscount becomes the holder of the licence by virtue of an Act of the Royal Court declaring the property of the licensee to be *en désastre*.

## 21 Absence from Jersey of licensee or manager

- (1) If the licensee or the manager of a business in respect of which an On-Licence or Special Events Alcohol Licence is held will be absent from Jersey, they must no later than 1 week in advance of the absence –
  - (a) in the case of an On-Licence, if the period of absence does not exceed 30 days during a consecutive period of 6 months, notify an authorised person of the absence and the person who will deputise for them during that absence; and
  - (b) in all other cases ensure a deputy manager is appointed under Article 17.

- (2) On receiving a notification, an authorised person must notify the Connétable of the parish concerned, the States of Jersey Police Force and the States of Jersey Fire and Rescue Service.
- (3) A person who without reasonable excuse contravenes paragraph (1) commits an offence.

## **PART 4**

### **ON-LICENCES**

#### **22 Application of this Part**

This Part applies only to On-Licences and to premises in respect of which an On-Licence is held.

#### **23 Scope of On-Licence**

Subject to this Law an On-Licence authorises the sale by retail of alcohol –

- (a) for consumption on the licensed premises, to –
  - (i) persons living on the premises, or accommodated for reward on the premises, at any time;
  - (ii) any other persons, during the permitted hours; and
- (b) in closed containers for consumption off the licensed premises, to any persons during the permitted hours.

#### **24 General conditions of On-Licences**

- (1) An On-Licence is granted subject to the following conditions –
  - (a) every public bar on the licensed premises must be closed at all times outside the permitted hours;
  - (b) a minor must not be allowed to enter or remain in a room in which there is a public bar during permitted hours unless it is before 9 p.m. and –
    - (i) they are accompanied by and in the charge of an adult; and
    - (ii) the room provides a suitable environment for minors;
  - (c) a minor must not be employed by the licensee to sell or deliver alcohol on the licensed premises;
  - (d) no unlawful gambling is permitted on the licensed premises;
  - (e) no indecent behaviour or drunkenness is permitted on the licensed premises;
  - (f) alcohol must not be supplied to –
    - (i) people already appearing to be under the influence of alcohol or drugs;  
or
    - (ii) a police officer in uniform;
  - (g) no excessive noise may come from the licensed premises;

- (h) no structural alterations or alterations to the layout of the licensed premises that affect a room in which alcohol is sold, nor to a public area in those premises, may be made without the prior approval of an authorised person;
  - (i) in the case of licensed premises that are also registered tourist premises, no alteration may be made without the prior approval of an authorised person if it would increase the capacity of the premises by 5% or more above the maximum number of guests specified in the conditions attached to the registration of the premises as tourist premises;
  - (j) adequate arrangements must be maintained by way of precautions against fire and the safety of people in the case of fire; and
  - (k) tap water must be provided without charge to any customer who requests it unless it cannot easily be supplied.
- (2) For the purposes of paragraph (1)(b) and (c) –
- (a) a room in which there is a public bar is taken to provide a suitable environment for minors unless an authorised person, having considered representations to that effect, has decided otherwise;
  - (b) a minor over the age of 16 may nevertheless be employed to work in a bar on licensed premises if supervised by a fit and proper person and in accordance with all relevant licence conditions.
- (3) An authorised person may, as a condition of the licence, waive the restriction on minors over the age of 16 working in licensed premises if satisfied that the premises provide a suitable environment for people of that age engaged in training.
- (4) The States may by Regulations specify what constitutes excessive noise for the purposes of paragraph (1)(g).

## **25 Consumption of alcohol outside permitted hours on licensed premises**

- (1) A person must not consume alcohol on licensed premises outside the permitted hours.
- (2) But paragraph (1) does not prohibit the consumption of alcohol –
- (a) during the first 20 minutes after the permitted hours; or
  - (b) at any time by persons accommodated for reward or otherwise living on the premises or in an annex of the premises;
  - (c) at any time by the licensee, their family or their guests in that part of the licensed premises set aside exclusively for the ordinary residential use of the licensee and their family.
- (3) A person who contravenes this Article and the licensee each commit an offence.
- (4) But it is a defence for the licensee to prove that they took all reasonable precautions to prevent the commission of the offence.

## **26 Closure of licensed premises**

Licensed premises may remain open for a further period of 10 minutes after the period of 20 minutes referred to in Article 25(2)(a) to allow members of the public to leave the premises.

**27 Pricing of alcohol**

- (1) The licensee must take reasonable steps to –
  - (a) make the prices of alcohol served at the premises readily available or displayed to be viewed by customers in accordance with the [Price Indicators \(Jersey\) Regulations 2008](#); and
  - (b) ensure that no higher price than is made available or displayed under sub-paragraph (a) is either demanded or received.
- (2) A licensee who contravenes this Article commits an offence and is liable to a fine of level 2 on the standard scale and as regards the offence in paragraph (1)(a), to a further fine of level 1 on the standard scale for each day during which the offence continues.

**28 Extension of permitted hours by Order**

The Minister may by Order, after having consulted the Bailiff, extend the permitted hours of licensed premises on a specific day or days to mark a special occasion to be celebrated in Jersey.

**29 Registration of door security staff**

- (1) If a licensee wishes to employ or otherwise engage door security staff, they must ensure that the staff are on a register maintained by the Minister.
- (2) The Minister must –
  - (a) share the register of door security staff with an authorised person, the States of Jersey Police Force and the parish concerned; and
  - (b) issue a registration card to each person on the register as proof of registration.
- (3) If a licensee employs or engages door security staff in contravention of paragraph (1), the licensee and the staff both commit an offence and are liable to a fine of level 2 on the standard scale.
- (4) In this Article, “Minister” means the Minister for Justice and Home Affairs.

**PART 5****OFF-LICENCES****30 Application of this Part**

This Part applies only to Off-Licences and to premises in respect of which an Off-Licence is held.

**31 Scope of Off-Licence**

- (1) An Off-Licence authorises the sale to any person, during the permitted hours, of alcohol in closed containers, for consumption off the licensed premises.
- (2) An authorised person must impose conditions under Article 8(4) about sale during permitted hours and the permitted hours may vary between in-person sales and online sales and alcohol supplied on delivery.

- (3) An authorised person may also impose a condition that alcohol must not be consumed on the premises.

## **PART 6**

### **SPECIAL EVENTS ALCOHOL LICENCES**

#### **32 Application of this Part**

This Part applies only to Special Events Alcohol Licences and to premises in respect of which a Special Events Alcohol Licence is held.

#### **33 Application for and scope of licence**

- (1) A Special Events Alcohol Licence authorises the sale by retail of alcohol on the dates and times specified in relation to a special event or events.
- (2) The application for a licence under this Part must include details of the vendors who will be operating under the licence and an authorised person must not grant the application unless they are satisfied that each vendor is a fit and proper person.
- (3) In specifying the premises to which the licence relates the application must include any other premises where ancillary activities occur (such as camp sites, car parks or toilets) and where alcohol may be carried.
- (4) The grant of a licence does not affect the terms of another licence granted under this Law in respect of the same premises.
- (5) The maximum number of people to be allowed on the premises for the event may be set by the States of Jersey Fire and Rescue Service and become a condition of the licence.
- (6) In this Article, “sale by retail” means a sale other than a sale to a person buying for the purposes of re-sale and includes a sale for the purposes of a business.

## **PART 7**

### **ENFORCEMENT**

#### **34 Duty of Connétables to keep register**

The Connétable of each parish must –

- (a) keep a register and enter in it particulars of every conviction relating to licensed premises situated within the parish;
- (b) produce the register to an authorised person when required; and
- (c) notify an authorised person when a new entry is made in the register.

#### **35 Power to enter premises**

- (1) A police officer may, at any time, enter licensed premises within the territorial limits of the police officer’s jurisdiction and make the enquiries and take the steps that the police officer thinks necessary to ensure compliance with this Law.

- (2) An authorised person or a person authorised by them may at any time enter any licensed premises and make the enquiries and take the steps that they think necessary to ensure compliance with this Law.
- (3) An authorised person must provide evidence of their authority before entering the premises.
- (4) A member of the States of Jersey Fire and Rescue Service may, at any reasonable time, enter and inspect licensed premises, and make the enquiries and take the steps that they think necessary, to ensure compliance with this Law relating to precautions against fire and the safety of people in the case of fire.
- (5) A police officer may –
  - (a) enter any place within the territorial limits of the police officer’s jurisdiction, not being licensed premises, in which the police officer has reason to believe that an offence under this Law is being or has been committed; and
  - (b) may inspect and make the enquiries and take the steps that the police officer thinks necessary to ensure compliance with this Law.

### **36 Temporary closure orders**

- (1) A police officer of the rank of inspector or above or the Chef de Police of the parish concerned (or the Chef’s designate) may issue a temporary closure order if they reasonably believe that on licensed premises –
  - (a) the risk of disorder is significant; or
  - (b) a disturbance is causing a significant public nuisance.
- (2) But before an order may be issued –
  - (a) by the honorary police, the Chef de Police of the parish concerned or their designate must notify a police officer of the rank of inspector or above;
  - (b) by the States police, a police officer of the rank of inspector or above must notify the Chef de Police of the parish concerned or their designate.
- (3) The temporary closure order must be served on the licensee or manager of the licensed premises or, if not available at those premises, the most senior person working there at the time of service.
- (4) A temporary closure order has the effect of closing the premises for up to 72 hours, or up to 96 hours if the period of closure covers a general holiday or a public holiday under the [Public Holidays and Bank Holidays \(Jersey\) Act 2010](#), as specified in the order.
- (5) The person issuing the order –
  - (a) must notify an authorised person of the order; and
  - (b) may apply to the Magistrate’s Court for the order to be extended.
- (6) The licensee and an authorised person may make representations at the hearing at the Magistrate’s Court.
- (7) The Court may extend the order for a specified period or until certain conditions specified in the extended order are met or dismiss the application.
- (8) If the Court extends the order, an authorised person must review the licence applicable to the premises concerned.

- (9) A licensee, their employee or agent or a person on the premises for the purpose of consuming alcohol who knowingly contravenes a temporary closure order commits an offence.

### **37 Exclusion orders**

- (1) A court sentencing an offender may make an exclusion order if satisfied that –
- (a) the offender used violence or threatened to use violence in committing an offence; and
  - (b) their consumption of alcohol was a contributory factor in the commission of the offence.
- (2) The court may also make an exclusion order if a person is convicted of an offence under Article 5 or 8 of the [Misuse of Drugs \(Jersey\) Law 1978](#) that was committed on licensed premises.
- (3) An exclusion order prohibits the offender from entering the licensed premises or part of those premises as specified in the order and may include the conditions that the court considers appropriate.
- (4) An exclusion order may also provide that the offender may enter named licensed premises but not consume alcohol on those premises.
- (5) An exclusion order may be made only –
- (a) in addition to a sentence that is imposed in respect of the offence of which the person is convicted; or
  - (b) in addition to a probation order, an order that the person be bound over or an order discharging the person absolutely or conditionally.
- (6) An exclusion order has effect for a minimum of 3 months and a maximum of 2 years, as specified in the order.
- (7) If the offender is sentenced to a term of imprisonment, the court sentencing them may specify that the exclusion order takes effect from the day on which the person is released from prison.

### **38 Variation of exclusion orders**

The court may, if there is a change of circumstances –

- (a) terminate the exclusion order;
- (b) vary its terms; or
- (c) reduce or extend the period for which the order has effect (subject to Article 37(6)).

### **39 Offences in connection with exclusion orders**

- (1) A person who enters licensed premises in breach of an exclusion order commits an offence.
- (2) A licensee who, either personally or by an employee or agent, knowingly or recklessly permits a person to enter or remain on licensed premises in breach of an exclusion order commits an offence.

- (3) It is a defence to proceedings under paragraph (2) for the licensee to prove that they took all reasonable precautions to prevent the commission of the offence by them or their employee or agent.
- (4) A licensee's employee or agent who knowingly or recklessly permits a person to enter or remain on licensed premises in breach of an exclusion order commits an offence.

#### **40 Notice of exclusion orders**

- (1) When an exclusion order or an order varying or terminating an exclusion order is made, a copy of the order must be sent to an authorised person and the Chief Police Officer and, if they have one, the probation officer of the subject of the order by –
  - (a) if the order is made by the Royal Court, the Judicial Greffier; or
  - (b) if the order is made by the Magistrate's Court, the Magistrate's Court Greffier.
- (2) On receiving a copy of an order under paragraph (1), the Chief Police Officer must notify the licensee of the premises named in the order and those operating a public bar in respect of which the order has been made.

#### **41 Power to refuse admittance to or expel person from licensed premises**

- (1) Without limiting any other right to refuse to admit a person to, or expel a person from, licensed premises, the licensee or the licensee's employee or agent may refuse to admit to, or expel from, those premises a person who –
  - (a) has entered, or whom the licensee reasonably suspects of having entered, the premises in breach of an exclusion order; or
  - (b) would be in breach of an exclusion order if they were to enter the premises.
- (2) A police officer must, at the request of the licensee or the licensee's employee or agent, help to expel from licensed premises a person whom the officer reasonably suspects of having entered in breach of an exclusion order, and may use the force required for that purpose.

#### **42 Proof of sale or consumption of alcohol**

In proceedings under this Law –

- (a) evidence that a transaction in the nature of a sale of alcohol took place is evidence of the sale of the alcohol without proof that money passed;
- (b) evidence that consumption of alcohol was about to take place is evidence of the consumption of alcohol without proof of actual consumption; and
- (c) evidence that a person, other than the licensee or their employee or agent, consumed or intended to consume alcohol on the premises is evidence that the alcohol was sold by or on behalf of the licensee to that person.

#### **43 Proof of residence**

In any proceedings under this Law the burden of proving that a person is resident on licensed premises is on that person.

#### 44 Directions

- (1) An authorised person may, whenever they consider it necessary, give written directions to a licensee that they consider appropriate in the circumstances if they consider that –
  - (a) a condition of the licence is no longer satisfied;
  - (b) the licensee has failed to comply with a requirement of or under this Law; or
  - (c) it is in the best interests of –
    - (i) creditors of the licensee;
    - (ii) people who are or may become their customers; or
    - (iii) the licensee.
- (2) A direction under this Article may in particular –
  - (a) require anything to be done or not done, or impose any prohibition, restriction or limitation or any other requirement, with respect to any transaction or other act, or to any equipment or assets, or to any other thing whatever;
  - (b) require that a manager or other person having functions in relation to a licensee be removed or removed and replaced by another person acceptable to an authorised person.
- (3) A direction under this Article may be of unlimited duration or of a duration specified in the notice of the direction.
- (4) The power to give directions under this Article includes the power by direction to vary or withdraw any direction, as well as the power to issue further directions.
- (5) A notice of a direction under this Article must, in addition to the matters set out in Article 61(1) (notification of decisions), give particulars of –
  - (a) the date on which the direction is to have effect;
  - (b) if Article 62(2) (postponement of effect of decisions) applies, the effect of that Article; and
  - (c) the right under paragraph (6).
- (6) A licensee to whom a direction is given under paragraph (1) may apply to an authorised person to have it withdrawn or varied, and an authorised person must withdraw or vary the direction in whole or in part if they consider that there are no longer any grounds that justify the direction or part of the direction concerned.

#### 45 Suspension or revocation of licence

- (1) An authorised person may, at any time, including on a review under Article 14, but subject to Articles 61 to 63, suspend or revoke a licence.
- (2) A licence may be suspended for a maximum period of 6 months but an authorised person may extend the period of suspension by a further period of up to 6 months.
- (3) A suspension may be imposed in conjunction with a time limited direction under Article 44 which, if it is not complied with in the required time, may lead to a revocation of the licence.
- (4) An authorised person may suspend or revoke a licence only –
  - (a) at the request of the licensee or their delegate appointed under Article 24(2) of the [Capacity and Self-Determination \(Jersey\) Law 2016](#);
  - (b) if the licensee –

- (i) has not operated the licensed premises to which the licence applied during the preceding year; or
  - (ii) ceases to operate those premises;
- (c) if the licensee fails to pay an annual fee due in relation to the licence;
- (d) if the licensee has contravened Article 15 (duty of licensee to co-operate); or
- (e) if an authorised person is satisfied that –
  - (i) 1 or more of the grounds set out in paragraph (5) are met;
  - (ii) a person provided false or misleading information in the application for the licence; or
  - (iii) the licence was granted in error.
- (5) The grounds are that –
  - (a) a condition of the licence has been contravened;
  - (b) the licensee has ceased to be a fit and proper person to hold the licence;
  - (c) the licensee, or manager, has committed an offence under this Law or the repealed Law;
  - (d) a person mentioned in sub-paragraph (c) has failed to comply with a requirement imposed under a direction under Article 44.
- (6) Before making a decision under this Article, an authorised person must give the licensee an opportunity to respond to the matters raised.

## PART 8

### OFFENCES AND PENALTIES

#### **46 Serving or delivering alcohol to or for consumption by minors**

- (1) The licensee must not sell alcohol to minors or allow a minor to consume alcohol on the licensed premises.
- (2) A minor must not buy or attempt to buy alcohol on licensed premises nor consume alcohol there.
- (3) A person must not buy or attempt to buy alcohol on licensed premises on behalf of a minor unless the person who buys or attempts to buy it –
  - (a) is a parent or guardian of the minor; or
  - (b) has attained the age of 18 years and has the consent of the parent or guardian of the minor to purchase the alcohol on behalf of the minor.
- (4) Paragraphs (1) and (2) do not prohibit a minor accompanied by an adult being served wine, cider or beer for consumption at a meal in a part of the licensed premises usually set apart for the service of meals.
- (5) The licensee must not deliver, nor allow any person to deliver, to a minor alcohol sold on licensed premises for consumption off the premises unless the delivery is made at the residence or working place of the purchaser.
- (6) A person must not send a minor to obtain alcohol sold or to be sold in licensed premises for consumption off the premises, whether the alcohol is to be obtained from the licensed premises or other premises from which it is delivered.

- (7) But paragraphs (5) and (6) do not apply if the minor is a member of the family, or an employee or agent of the licensee delivering alcohol.
- (8) A person who contravenes this Article commits an offence.
- (9) In any proceedings for an offence under this Article (other than the offence under paragraph (2)), it is a defence for the defendant to prove that the defendant did not know, and could not with reasonable enquiry have ascertained, that the person was a minor.

#### **47 Procuring alcohol for drunk person**

A person who, on licensed premises, procures or attempts to procure alcohol for consumption by a drunk person, or aids a drunk person in obtaining or consuming alcohol on the premises, commits an offence.

#### **48 Selling alcohol without licence**

- (1) Subject to this Law, a person who, not being the licensee or their employee or agent, sells alcohol commits an offence and is liable to imprisonment for 12 months and to a fine.
- (2) If alcohol is sold in contravention of this Article on any premises, every occupier of the premises who is proved to have consented to the sale commits an offence and is liable to the penalties provided by paragraph (1).
- (3) On the conviction of a person for an offence under this Article, the court sentencing the offender may declare all alcohol found in the possession of the person convicted, and the containers containing the alcohol, to be forfeited.
- (4) For the purposes of this Article, a person who, by way of business, stores alcohol for subsequent delivery within Jersey following the placing of an order with that person or with the consignor of the alcohol or the person's agent, is taken to sell alcohol.

#### **49 Non-compliance with terms of licence**

A licensee who, either themselves or by an employee or agent, contravenes a condition or restriction on or subject to which the licence was granted, or sells alcohol otherwise than as authorised by the licence, commits an offence.

#### **50 Purchase of alcohol outside hours**

A person who purchases alcohol on licensed premises outside the permitted hours commits an offence.

#### **51 Removal of alcohol sold for consumption on licensed premises**

A person who takes from licensed premises alcohol sold for consumption on the premises commits an offence and is liable to a fine of level 1 on the standard scale.

**52 Significant public nuisance on licensed premises**

A person found to be causing a significant public nuisance on licensed premises commits an offence and is liable to imprisonment for 3 months and to a fine of level 3 on the standard scale.

**53 Obstruction of persons exercising power of entry**

A person who wilfully obstructs or interferes with a police officer, an authorised person or a person authorised by them or a member of the States of Jersey Fire and Rescue Service in the exercise of any of their powers under Article 35 commits an offence.

**54 Providing false information to authorised person**

- (1) A person commits an offence if –
  - (a) the person provides information to an authorised person, or to any other person entitled to information under this Law –
    - (i) in connection with an application for a licence;
    - (ii) in purported compliance with a requirement imposed by or under this Law; or
    - (iii) otherwise than as mentioned in clauses (i) and (ii) but in circumstances in which the person providing the information intends, or could reasonably be expected to know, that the information would be used by an authorised person or any other person entitled to that information for the purpose of exercising their functions under this Law;
  - (b) that information is false or misleading in a material particular; and
  - (c) the person knows, or is reckless as to whether, the information is false or misleading.
- (2) A person convicted of an offence under this Article is liable to imprisonment for 12 months and to a fine.

**55 General penalty**

A person convicted of an offence under this Law for which no other penalty is provided is liable to imprisonment for 6 months and to a fine.

**56 Offences by employees and agents**

If an offence for which the licensee is liable under this Law has, in fact, been committed by their employee or agent, the employee or agent, as well as the licensee, is treated as having committed the offence and is liable to be prosecuted and punished accordingly.

**57 False or misleading statements made to licence holders**

- (1) If proceedings for an offence under this Law are taken against the licensee, they are not liable to conviction if they prove that the offence was committed as a result of a false or misleading statement having been made to them, or to their employee or agent, by some other person, and that there was no good reason to suspect that the statement was false.

- (2) A person who, by making a false statement, renders the licensee liable to proceedings for an offence under this Law, commits an offence and is liable to a fine of level 2 on the standard scale whether or not the licensee is convicted of the offence.

## **58 Criminal liability of partners, directors and other officers**

- (1) In this Article –
- “relevant offence” means an offence under this Law that is committed by a limited liability partnership, a separate limited partnership, an incorporated limited partnership or another body corporate;
- “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 body corporate other than an incorporated limited partnership –
    - (i) a director, manager, secretary or other similar officer of the body corporate; and
    - (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 sub-paragraphs (a) to (c) in relation to the partnership or body that commits the relevant offence.
- (2) If a relevant offence is proved to have been committed with the consent or connivance of a relevant person, that relevant person also commits the offence and is liable in the same manner as the partnership or body corporate to the penalty provided for that offence.
- (3) Paragraph (4) applies if a relevant offence –
- (a) is an offence that may be committed by neglect; and
  - (b) is proved to be attributable to any neglect on the part of a relevant person.
- (4) The relevant person also commits the offence and is liable in the same manner as the partnership or body corporate to the penalty provided for that offence.

## **PART 9**

### **MISCELLANEOUS**

## **59 Restricted information**

- (1) A person commits an offence if they disclose information they have received relating to the business or other affairs of another person without that other person’s consent –

- (a) obtained under or for the purposes of this Law; or
  - (b) directly or indirectly from a person who also received it without that person's consent.
- (2) This Article does not apply to –
- (a) information that, at the time of the disclosure, is or has already been made available to the public from other sources; or
  - (b) information in the form of a summary or collection of information that would not enable information relating to any particular person to be ascertained from it.

## 60 Permitted disclosures

- (1) Article 59 does not preclude the disclosure of information –
- (a) by an authorised person –
    - (i) to the Viscount;
    - (ii) to the Comptroller and Auditor General for the purpose of enabling or assisting the carrying out of any of the Comptroller and Auditor General's functions in relation to the Minister and an authorised person;
    - (iii) to the States of Jersey Police Force, the States of Jersey Fire and Rescue Service, the Medical Officer of Health or to a parish; or
    - (iv) to a person for the purpose of enabling or assisting them to exercise their statutory functions in relation to a person or class of person in respect of whom an authorised person has functions under this Law;
  - (b) by or to a person mentioned in paragraph (2) in any case in which disclosure is necessary for the purpose of enabling or assisting them to discharge an authorised person's or their functions under this Law or under any other enactment;
  - (c) to a person by an authorised person showing whether or not a person is licensed under this Law, including the conditions that are attached to the licence;
  - (d) by an authorised person to the public of the name of –
    - (i) a director of a body corporate that is a licensee;
    - (ii) a partner or a director of a body corporate that is a partner in any form of partnership that is a licensee;
    - (iii) a manager;
  - (e) with a view to the investigation of a suspected offence, or institution of, or otherwise for the purposes of, criminal proceedings, under any enactment;
  - (f) in connection with any other proceedings arising out of this Law;
  - (g) by an authorised person to the Attorney General or to a police officer being information obtained under Article 15, but any information so disclosed may be disclosed only by the Attorney General or a police officer for the purposes of an investigation into a suspected offence;
  - (h) by any of the persons mentioned in paragraph (2) to a person or body responsible for setting standards of conduct for a profession if that person or body has powers to discipline persons who fail to meet those standards if it appears to an authorised person or the appointed person that disclosing the

information would enable or assist the person or body responsible for setting standards to discharge its functions in relation to a person who fails, or is alleged to have failed, to meet those standards.

- (2) The persons are –
  - (a) an authorised person or any person acting on their behalf;
  - (b) a person appointed under an enactment by any of the following –
    - (i) an authorised person;
    - (ii) the Royal Court, on the application of an authorised person;
    - (iii) a Minister, if that Minister and an authorised person are each specified in that enactment as having power to appoint that person;
  - (c) the States of Jersey Police Force;
  - (d) the States of Jersey Fire and Rescue Service; and
  - (e) a person who is requested to inspect premises under Article 6(1).
- (3) Information must not be disclosed under paragraphs (1)(a)(ii), (1)(a)(iii), (1)(b) or (1)(h) unless the person or an authorised person, as the case requires, making the disclosure (“the disclosing party”) is satisfied that the person or body to whom or which disclosure is made complies with or will comply with any conditions to which the disclosing party may, in its discretion, subject the disclosure.

## **61 Notification of decisions**

- (1) Within a reasonable time after making a relevant decision, an authorised person must inform the applicant or licensee in writing of –
  - (a) the decision, unless it is a decision to give a direction under Article 44;
  - (b) if the decision is to grant a licence, the full text of all the conditions to which the licence is subject;
  - (c) the reasons for that decision, unless it is a decision to grant a licence or to register a manager or deputy manager;
  - (d) if the decision is to take an action described in Article 62(1), the date on which the decision takes effect; and
  - (e) if there is a right to appeal under Article 63, that right.
- (2) In relation to a general condition, an authorised person may comply with paragraph (1)(b) by giving written information as to where the licensee may read, on paper or on the internet, the text of the condition.
- (3) Paragraph (1)(c) does not require an authorised person to specify any reason that would in an authorised person’s opinion involve the disclosure of confidential information the disclosure of which would be prejudicial to a third party.
- (4) An authorised person must notify the Connétable of the parish concerned, the States of Jersey Police Force and the States of Jersey Fire and Rescue service that a relevant decision has been made and the category of decision.

## **62 Postponement of effect of decisions**

- (1) Paragraph (2) applies if an authorised person –
  - (a) varies a condition imposed on a licence under Article 14; or

- (b) suspends or revokes a licence under Article 45.
- (2) Unless the licensee agrees with an authorised person that it should take effect at an earlier date, the variation, suspension or revocation does not take effect before whichever is latest of –
  - (a) 1 month after the date on which notice in writing was given to the licensee under Article 61 of the suspension or revocation;
  - (b) the date specified in the notice of the suspension or revocation; and
  - (c) the date on which an appeal under Article 63 against the suspension or revocation is determined by the Royal Court or withdrawn.
- (3) The Royal Court may order that paragraph (2) should not have effect, or should cease to have effect in a particular case, or that the period specified in paragraph (2)(a) should be reduced if, on the application of an authorised person, the Royal Court is satisfied that making the order is in the best interests of the licensee's customers or the public.
- (4) An order under paragraph (3) may be made without prior notice to and without hearing the licensee.
- (5) An order under paragraph (3) has immediate effect, but a person aggrieved by the order may apply to the Royal Court to vary or set aside the order.
- (6) In respect of an application under paragraph (5), the Royal Court may make an order in respect of the relevant order under paragraph (3) as it thinks fit.
- (7) An appeal made under Article 63 in relation to a decision postpones the effect of the decision unless the Court orders otherwise under paragraph (3).

### **63 Appeals**

- (1) A person aggrieved by a relevant decision, other than a decision to grant a licence under Article 8 or register a manager or deputy under Article 17, may appeal to the Royal Court on the ground that the decision of an authorised person was unreasonable having regard to all the circumstances of the case.
- (2) An appeal cannot be made later than 28 days from the date on which –
  - (a) notice in writing was given to the person under Article 61(1)(a); or
  - (b) there was given to or served on the person the direction under Article 44(1).
- (3) On hearing an appeal the Royal Court –
  - (a) may confirm, reverse or vary the decision of an authorised person, or remit the decision to an authorised person; and
  - (b) may make an order as to the costs of the appeal as it thinks fit.
- (4) The decision of the Royal Court is final.

### **64 Sales of alcohol on board vessels while in port**

- (1) The owner of a vessel used to carry passengers between Jersey and a place outside Jersey may apply to an authorised person for a permit authorising the sale of alcohol on board that vessel while it is in harbour and delayed beyond its normal sailing time due to adverse weather or mechanical breakdown.
- (2) A permit under this Article authorises the sale by retail of alcohol on board the vessel without a licence –

- (a) to passengers for consumption on board the vessel;
  - (b) in a bar or in a place in which meals are normally served; and
  - (c) after the time at which the vessel was due to sail.
- (3) An authorised person may grant a permit under this Article for the period and subject to the conditions or restrictions that it thinks fit to impose.
- (4) A person to whom a permit has been granted under this Article commits an offence if they contravene –
- (a) paragraph (2); or
  - (b) a condition or restriction subject to which the permit was granted.
- (5) In this Article, “owner” in relation to a vessel includes a charterer.

## 65 Exemptions

Nothing in this Law makes unlawful –

- (a) the sale by a person, for consumption off the person’s premises and in quantities of not less than 2 litres, of cider (of any strength) manufactured by the person from apples or pears grown in Jersey;
- (b) the sale of medicines containing alcohol, by medical practitioners, or persons lawfully carrying on retail pharmacy businesses within the meaning of Article 68(3) of the [Medicines \(Jersey\) Law 1995](#);
- (c) the sale by auction of alcohol, by an auctioneer established in Jersey, if the alcohol is not the property of the auctioneer and has not been imported into Jersey for the purpose of being sold by auction;
- (d) the sale of alcohol without a licence in an aircraft or vessel for consumption on board the aircraft or vessel if the aircraft or vessel is employed to carry passengers and has a port of origin or destination outside Jersey.

## 66 Power of States to amend enactments

The States may by Regulations, if they consider it expedient to do so, make provision, whether or not by amending this Law or any other enactment, in relation to regulating the consumption of alcohol or the licensing of premises to supply alcohol, as circumstances may require.

# PART 10

## CLOSING PROVISIONS

## 67 Transitional provisions

Schedule 1 contains transitional provisions.

## 68 Repeals and abolition of Licensing Assembly

- (1) The following are repealed –
- (a) Loi (1833) sur la Conduite des Taverniers;

- (b) [Loi \(1921\) sur l'Assemblée des Gouverneur, Bailli et Jurés \(Transfert de Pouvoirs, etc.\)](#);
  - (c) [Licensing \(Jersey\) Law 1974](#);
  - (d) [Licensed Premises \(Exclusion of Certain Persons\) \(Jersey\) Law 1998](#);
  - (e) [Licensing \(Licence Fees\) \(Jersey\) Regulations 2007](#);
  - (f) [Licensing \(Prescribed Renewal Form\) \(Jersey\) Order 2020](#).
- (2) The Licensing Assembly as defined in Article 1(1) of the repealed Law is abolished.

## **69 Consequential amendments**

The enactments specified in the first column of the table in Schedule 2 are amended as specified in the second column of that table.

## **70 Citation and commencement**

This Law may be cited as the Alcohol Licensing (Jersey) Law 202- and comes into force on a day to be specified by the Minister by Order.

## SCHEDULE 1

(Article 67)

### TRANSITIONAL PROVISIONS

#### 1 Applications for licences not yet determined

- (1) An application for the grant of a licence made under the repealed Law that has yet to be determined on the commencement of this Law –
  - (a) if it was for an Off-Licence, is treated as being an application for an Off-Licence under this Law;
  - (b) if it was an application for any other category of licence, is treated as being an application for an On-Licence under this Law;
  - (c) if it was for a provisional licence under Article 8 of the repealed Law, is treated as being an application under Article 9 of this Law.
- (2) Articles 5 and 6 do not apply in respect of an application for a licence by a person who holds a valid licence under the repealed Law, but an authorised person must still comply with Articles 5(3), 5(4) and 13 in relation to that application.

#### 2 Licences granted

- (1) A licence granted under the repealed Law that has not expired on the commencement of this Law remains valid until the date on which it expires.
- (2) But if a licence other than a Special Events Alcohol Licence is granted under this Law in respect of premises for which a licence is valid under the repealed Law, the earlier licence ceases to be valid.
- (3) A special permit granted under Article 89 of the repealed Law continues to have effect for the purposes of the special occasion for which it was granted despite the repeal of that Law.

#### 3 Referral by Attorney General

The power of the Attorney General to refer a matter relating to a licence to an authorised person under Article 14(2) is not affected by a similar referral to the Licensing Assembly in respect of the same premises under Article 9(1) of the repealed Law.

#### 4 Publication of particulars

The requirement for the Minister to publish particulars under Article 16 does not apply to licences granted under the repealed Law.

#### 5 Licensees and managers

A person who was the holder of a licence or registered as a manager under the repealed Law at the time of commencement of this Law is treated as a fit and proper person for the purposes of Articles 8(3) and 17(4) unless their registration is revoked under Article 17(5) or they have been convicted of an offence under this Law or the repealed Law.

**6 Public bars**

- (1) Premises or part of premises designated as a public bar under the repealed Law are treated as if designated as a public bar under this Law unless an authorised person decides otherwise.
- (2) A room in which there is a public bar that the Licensing Assembly decided was not a suitable environment for persons under the age of 18 years under Article 12(2) of the repealed Law is treated as not a suitable environment for minors under Article 24(2) unless an authorised person decides otherwise.

**7 Exclusion orders**

- (1) An exclusion order made under the [Licensed Premises \(Exclusion of Certain Persons\) \(Jersey\) Law 1998](#) that is in force on the commencement of this Law has effect as if made under this Law.
- (2) If the exclusion order applied to a category or categories of on-licensed premises under the repealed Law it is taken to apply to all public bars unless the Royal Court specifies otherwise.

**SCHEDULE 2**

(Article 69)

**CONSEQUENTIAL AMENDMENTS**

Name of enactment	Amendment
<a href="#">Children (Jersey) Law 2002</a>	In Article 50(2)(b) (restrictions on children taking part in performances), for “ <a href="#">Licensing (Jersey) Law 1974</a> ” there is substituted “Alcohol Licensing (Jersey) Law 202-”.
<a href="#">Control of Housing and Work (Jersey) Law 2012</a>	<ol style="list-style-type: none"> <li>1. In Article 22 (interpretation), in paragraph (1), the definition “intoxicating liquor” is deleted.</li> <li>2. In Article 28 (specific provisions relating to a hawker’s licence and a non-resident trading licence), for paragraph (2)(b) there is substituted – <ul style="list-style-type: none"> <li>(b) alcohol (as defined in Article 1(1) of the Alcohol Licensing (Jersey) Law 202-);</li> </ul> </li> </ol>
<a href="#">Liquor (Restrictions on Consumption) (Jersey) Law 2005</a>	<p>In Article 1(1) (interpretation) –</p> <ol style="list-style-type: none"> <li>(a) for the definition “liquor” there is substituted – <ul style="list-style-type: none"> <li>“liquor” means alcohol as defined in Article 1(1) of the Alcohol Licensing (Jersey) Law 202-;</li> </ul> </li> <li>(b) in the definition “public place”, for “<a href="#">Licensing (Jersey) Law 1974</a>” there is substituted “Alcohol Licensing (Jersey) Law 202-”.</li> </ol>
<a href="#">Places of Refreshment (Jersey) Law 1967</a>	In Article 3(a) (exemptions), for “ <a href="#">Licensing (Jersey) Law 1974</a> ” there is substituted “Alcohol Licensing (Jersey) Law 202-”.
<a href="#">Price Indicators (Jersey) Regulations 2008</a>	In Regulation 2(3)(a) (requirement to indicate price of goods), for “premises licensed under the <a href="#">Licensing (Jersey) Law 1974</a> ” there is substituted “licensed premises within the meaning of Article 1(1) of the Alcohol Licensing (Jersey) Law 202-”.
<a href="#">Prison (Jersey) Law 1957</a>	<ol style="list-style-type: none"> <li>1. In Article 1(1) (interpretation), the definition “intoxicating liquor” is deleted.</li> <li>2. For Article 25(1)(a) (conveyance of Grade 2 item into or out of prison) there is substituted – <ul style="list-style-type: none"> <li>(a) alcohol (within the meaning of Article 1(1) of the Alcohol Licensing (Jersey) Law 202-);</li> </ul> </li> </ol>
<a href="#">Rehabilitation of Offenders (Exceptions) (Jersey) Regulations 2002</a>	<p>In Regulation 13 (liquor licensing) –</p> <ol style="list-style-type: none"> <li>(a) in the heading, for “Liquor” there is substituted “Alcohol”;</li> <li>(b) wherever occurring, for “1974 Law” there is substituted “202- Law”;</li> <li>(c) in paragraphs (1)(c) and (2)(c), for “pursuant to</li> </ol>

Name of enactment	Amendment
	<p>Article 19” there is substituted “under Article 17”;</p> <p>(d) in paragraph (4), for “<a href="#">Licensing (Jersey) Law 1974</a>” there is substituted “Alcohol Licensing (Jersey) Law 202-”.</p>
<p><a href="#">Restriction on Smoking (Jersey) Law 1973</a></p>	<p>In Article A1 (interpretation) –</p> <p>(a) the definition “1974 Law” is deleted;</p> <p>(b) after the definition “2005 Law” there is inserted –</p> <p style="padding-left: 20px;">“202- Law” means the Alcohol Licensing (Jersey) Law 202-;</p> <p>(c) in the definitions “licence” and “licensed premises”, for “1974” there is substituted “202-”;</p> <p>(d) in Article 1A(3)(c)(ii) (Regulations for public eating premises), for “1974” there is substituted “202-”.</p>
<p><a href="#">Royal Court (Jersey) Law 1948</a></p>	<ol style="list-style-type: none"> <li>1. Article 3(1) (disqualifications for the office of Jurat) is deleted.</li> <li>2. Article 21 (saving of assembly of Governor, Bailiff and Jurats) is deleted.</li> </ol>
<p><a href="#">Stamp Duties and Fees (Jersey) Law 1998</a></p>	<p>In Schedule 1 (tables of judicial fees), item 28 is deleted.</p>
<p><a href="#">States of Jersey Police Force (General Provisions) (Jersey) Order 2016</a></p>	<ol style="list-style-type: none"> <li>1. In Article 4 (business interest precluding appointment to the Force) – <ol style="list-style-type: none"> <li>(a) in paragraphs (1) and (2), for “<a href="#">Licensing (Jersey) Law 1974</a>” there is substituted “Alcohol Licensing (Jersey) Law 202-”;</li> <li>(b) in paragraph (2), “residential licence or” is deleted.</li> </ol> </li> <li>2. In Article 12 (business interests of police officers and relatives), in paragraph (1)(b), for “<a href="#">Licensing (Jersey) Law 1974</a>” there is substituted “Alcohol Licensing (Jersey) Law 202-”.</li> </ol>
<p><a href="#">Weights and Measures (Jersey) Law 1967</a></p>	<ol style="list-style-type: none"> <li>1. In Article 1(1) – <ol style="list-style-type: none"> <li>(a) before the definition “approved pattern” there is inserted – <p style="padding-left: 20px;">“alcohol” has the same meaning as in the Alcohol Licensing (Jersey) Law 202-;</p> </li> <li>(b) the definition “intoxicating liquor” is deleted.</li> </ol> </li> <li>2. In Article 20(5)(b), 22(4)(f) and paragraph 3(1) and 3(1)(d) of Part 6 of Schedule 3, for “intoxicating liquor” there is substituted “alcohol”.</li> <li>3. For the heading to Schedule 3, Part 6 there is substituted – <p style="text-align: center;">  <b>ALCOHOL</b></p> </li> </ol>

Name of enactment	Amendment
	<p>4. In Schedule 3, Part 6 –</p> <ul style="list-style-type: none"> <li>(a) in paragraph 3(1)(c), for “intoxicating liquors” there is substituted “alcohol”;</li> <li>(b) in paragraph 3(1)(e), for “those intoxicating liquors are” there is substituted “that alcohol is”;</li> <li>(c) in paragraph 3(3), for “those intoxicating liquors” there is substituted “that alcohol”;</li> <li>(d) in paragraph 5, for “of the fifth category is held under the <a href="#">Licensing (Jersey) Law 1974</a>” there is substituted “under the Alcohol Licensing (Jersey) Law 202- is held”;</li> <li>(e) in paragraph 6, for “Intoxicating liquor” there is substituted “Alcohol”.</li> </ul>
<p><a href="#">Weights and Measures (Measuring Instruments) (Intoxicating Liquor) (Jersey) Order 1975</a></p>	<p>In Article 1(1), for the definition “licensed premises” there is substituted –</p> <p>“licensed premises” has the meaning given by Article 1(1) of the Alcohol Licensing (Jersey) Law 202-;</p>