

Jersey Law 21/1974

LICENSING (JERSEY) LAW, 1974.

A LAW to make new provision for the control of the sale and consumption of intoxicating liquor, sanctioned by Order of Her Majesty in Council of the

20th day of SEPTEMBER, 1974.

(Registered on the 7th day of October, 1974).

STATES OF JERSEY.

The 7th day of May, 1974.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law: -

PART I

GENERAL

ARTICLE 1

INTERPRETATION

(1) In this Law, unless the context otherwise requires –

“architect” means an architect registered under the Architects (Registration) (Jersey) Law, 1954;¹

“bar” means any open drinking bar;

¹ Tome 1954–1956, page 103.

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“cider” includes perry;

“the Committee” means the Tourism Committee;

“the Court” means the Inferior Number of the Royal Court;

“intoxicating liquor” means wine, beer, cider and any other liquor with an alcoholic content, intended for human consumption but excludes any liquor where the alcoholic content is less than two degrees of proof spirit, and liqueur confectionery;

“licence” means a licence granted under this Law;

“licensed premises” means the premises in respect of which a licence is held including any building situated in the grounds attached to the premises;

“the Licensing Assembly” means the Assembly of the Governor, Bailiff and Jurats;

“manager” means a manager appointed in pursuance of Article 19 of this Law;

“meal” means breakfast, luncheon, tea, dinner, supper or any similar meal consumed by a person seated at a table that does not constitute a service counter or bar;

“member of the public” means, as regards any licensed premises, any person other than the holder of the licence, persons employed in the conduct of the business on the premises and persons residing on the premises or on any annexe of the premises;

“on-licence” means a licence of the first, second, third, fourth, fifth or seventh category;

“the Parish Assembly” means the Assembly of Principals and Officers of the parish;

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“the parish concerned” means, as regards any licence or application for a licence, the parish in which are situate the premises to which the licence or application relates;

“permitted hours” means, as regards any licence, the hours specified in relation to the category of that licence;

“prescribed” means prescribed by order made by the Committee;

“public bar” means any bar in premises in respect of which a first category licence alone is held and any bar designated as a public bar by the Licensing Assembly;

“registered premises” means premises registered in pursuance of the Tourism (Jersey) Law, 1948²

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

“spirits” means intoxicating liquor other than wines, Liqueurs, cordials, cider and beer;

“Summer Season” means the period from the first day of April or the Saturday preceding Easter Day, whichever is the earlier, to the thirty-first day of October;

“unlawful gambling” means any form of betting, gaming or wagering and any lottery, other than a form of betting, gaming or wagering and any lottery made lawful by regulations under Article 3 of the Gambling (Jersey) Law, 1964;³

“Winter Season” means the period from the first day of November to the thirty-first day of March or Good Friday, whichever is the earlier.

(2) For the purposes of this Law, the expression “accommodated for reward on the licensed premises” shall be deemed

² Tome 1946–1948, page 395, Tome 1949–1950, page 247 and Tome 1957–1960, page 143.

³ Tome 1963–1965, page 287.

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not to include the holder of the licence nor any person employed in the conduct of the business on the premises.

(3) References in this Law to any enactment include references that enactment as amended by any other enactment for the time being in force or to any enactment repealing and re-enacting that enactment with or without further amendment.

ARTICLE 2

CATEGORIES OF LICENCE

For the purposes of this Law, there shall be seven categories of licence, namely –

- (a) first category, to be called “the Taverner’s Licence”;
- (b) second category, to be called “the Residential Licence”;
- (c) third category, to be called “the Restaurant Licence”;
- (d) fourth category, to be called “the Comprehensive Licence”;
- (e) fifth category, to be called “the Club Licence”;
- (f) sixth category, to be called “the Off-Licence”; and
- (g) seventh category, to be called “the Entertainment Licence”.

PART II

GENERAL PROVISIONS RELATING TO GRANT OF LICENCES

ARTICLE 3

APPLICATION FOR LICENCES

(1) An application for the grant of a licence shall be made in the prescribed form and shall be delivered to the Treasurer of the

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States not later than the fifth day of the month preceding that in which the application will be considered by the Licensing Assembly and shall be accompanied by a remittance for the appropriate licence fee or fees.

- (2) The Treasurer of the States shall –
 - (a) prepare a list, arranged by parishes in alphabetical order, setting out the name, address and nationality of each applicant, or, in the case of an application made by a limited liability company, the name of the company, the address of its registered office and the name of its secretary, or, in the case of an application for a licence of the fifth category, the name of the club in respect of which the application is made and the name of its secretary, and indicating the category or categories of licence for which application is made and the address of the premises to which the application relates and, in the case of an application made by an individual, the place or places at which he has resided during the three years immediately preceding the date of the application; and
 - (b) not later than the fifteenth day of the month preceding that in which applications will be considered by the Licensing Assembly transmit a copy of the list to each of the following, namely, the Bailiff, the Attorney General, the Judicial Greffier, the Committee, the Chief Architect of the States, the Chief Fire Officer and the Chief Public Health Inspector, and shall also transmit to each Constable a copy of that part of the list which relates to his parish;
 - (c) as soon as possible transmit to the Attorney General a copy of any documents accompanying the application for a licence of the fifth category.

ARTICLE 4

REQUIREMENTS AS TO RESIDENCE

(1) No licence shall be granted to any individual who has not resided in the Island throughout the three years immediately preceding the date of the application for the licence, unless the Licensing Assembly is satisfied, by a written report obtained from a responsible official of the place or places at which he has resided during that period, that he is a fit and proper person to have charge of licensed premises and, for this purpose, he shall furnish the Constable of the parish concerned with such information as the Constable may require in order to enable him to obtain the necessary report or reports in sufficient time for the same to be submitted to the Parish Assembly at which the application will be considered.

(2) No licence shall be granted to an individual, being an alien, unless he has resided in the British Commonwealth during the three years immediately preceding the date of the application for the licence.

(3) In this Article, "alien" does not include a national of a Member State of the European Economic Community.

ARTICLE 5

CONSIDERATION OF APPLICATIONS BY PARISH ASSEMBLY

(1) Every application for the grant of a licence shall, before being submitted to the Licensing Assembly, be considered by the Parish Assembly of the parish concerned, and the Parish Assembly shall recommend to the Licensing Assembly whether or not the application should be granted.

(2) The meeting of the Parish Assembly shall be held not later than the first day of the month in which the applications will be heard by the Licensing Assembly and the convening notice shall contain particulars of the name of the applicant (which, in the case of an application made by a limited liability company or for a licence of the fifth category, shall mean the name of the company or the name of the

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club respectively), the address of the premises to which the application relates and the category or categories of licence for which application is made.

- (3) At the meeting of the Parish Assembly –
- (a) any applicant may appear in person or be represented by an advocate or a solicitor;
 - (b) any member of the Assembly may, without prejudice to his rights as a member, object by an advocate or a solicitor to the grant of a licence;
 - (c) any person registered for the parish as an elector in public elections, who is not a member of the Assembly, may object personally or by an advocate or a solicitor to the grant of a licence.

(4) The Constable shall submit to the Assembly any reports obtained by or furnished to him in pursuance of Articles 4, 24, 41, 48, 57 or 70 of this Law.

(5) The Constable shall, not later than the fifth day of the month in which the applications will be heard by the Licensing Assembly

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- (a) transmit to the Bailiff, the Attorney General, the Judicial Greffier, the Committee, the Chief Architect of the States, the Chief Fire Officer and the Chief Public Health Inspector, copies of the decisions of the Parish Assembly on the consideration of the applications; and
 - (b) transmit to the Attorney General the reports referred to in paragraph (4) of this Article.

ARTICLE 6

GRANT OF LICENCES BY LICENSING ASSEMBLY

(1) Licences for the purposes of this Law shall be granted by the Licensing Assembly sitting in public.

(2) For the purpose of the grant of licences, the Licensing Assembly shall hold ordinary sessions within the ten days preceding the twenty-fifth day of March, the twenty-fourth day of June, the twenty-ninth day of September and the twenty-fifth day of December in each year.

(3) The Licensing Assembly may hold extraordinary sessions whenever it thinks fit to do so, and, in relation to applications for licences to be considered at such extraordinary sessions, the foregoing provisions of this Part of this Law shall have effect subject to such modifications as may be necessary to ensure that anything required to be done prior to the consideration of the applications is done in due order, including in particular at least fifteen days prior notice of any application to all the relevant competent authorities.

(4) When applications for licences are considered by the Licensing Assembly –

- (a) any applicant may appear in person or be represented by an advocate or a solicitor;
- (b) any person entitled to appear before the Parish Assembly who has addressed the Parish Assembly either personally or by an advocate or a solicitor in relation to an application, may address the Licensing Assembly, either personally or by an advocate or a solicitor in relation to that application;
- (c) any person who has given at least seven days written notification to the Judicial Greffier of the fact may apply to be heard either in person or by an advocate or a solicitor and the Licensing Assembly may at its absolute discretion, hear the person or his representative.

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(5) The Attorney General shall submit to the Licensing Assembly the decisions of the Parish Assembly and the reports transmitted to him in pursuance of paragraph (5) of Article 5 of this Law.

(6) The Constable of the parish concerned shall attend before the Licensing Assembly on the consideration of the application and shall be entitled to be heard.

(7) The chief executive officer of the Tourism Committee or his deputy, shall attend before the Licensing Assembly whenever applications for the grant of licences are being taken into consideration and shall furnish the Assembly with all such information as may be required in relation thereto and shall, in addition, be entitled to be heard in respect of any application which relates to premises registered or to be registered by the Committee under any enactment.

(8) The Licensing Assembly, in deciding whether or not any application should be granted, shall have regard –

- (a) to the interests of the public in general;
- (b) to 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;

and may grant a licence of a category different from that for which application is made.

(9) The Licensing Assembly, in deciding whether or not an application should be granted or whether a licence of a category different from that for which application is made should be granted, shall have regard to but shall not be bound by, the recommendation of the Parish Assembly.

(10) The Licensing Assembly may attach to any licence such conditions as, having regard to all the circumstances of the case may seem desirable, including, in particular, the designation of any bar as a public bar.

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(11) Where a holder of a licence wishes to raise any matter concerning a licence held by him at any session of the Licensing Assembly, he shall, at least fifteen days before that session, inform the Bailiff, the Constable of the Parish concerned, the Committee, the Attorney General and the Judicial Greffier of that fact and of the matter which he wishes to raise.

(12) Unless the Licensing Assembly otherwise specifies, a licence shall take effect on the date on which it is granted and, subject to the provisions of this Law, shall remain in force until the twenty-fourth day of December next following that date:

Provided that where a licence takes effect on a date between the tenth day of November and the twenty-fourth day of December, both dates inclusive, the licence shall remain in force until the twenty-fourth day of December in the year next following that in which that date falls.

(13) The Licensing Assembly may in relation to any matter concerning any application to the Assembly regulate its own procedure.

ARTICLE 7

MISCELLANEOUS PROVISIONS RELATING TO THE GRANT OF LICENCES

(1) A licence shall not be granted to more than one person.

(2) Subject to the provisions of this Law, a person may be granted, in respect of the same premises, licences of such categories as the Licensing Assembly shall consider appropriate.

(3) Save in the case of a licence of the sixth category, a person may not be granted a licence or licences in respect of more than one set of premises.

ARTICLE 8

PROVISIONAL GRANT OF LICENCES

(1) Any person intending to apply for the grant of a licence in respect of any premises about to be constructed or adapted or in the course of construction or adaptation, may apply for the provisional grant of a licence of any category (other than the second category) in respect of those premises.

(2) Any such application shall be accompanied by plans of the premises and evidence that such consents for the construction or adaptation of the premises as may be required under any enactment have been obtained, and copies of such plans and such evidence shall be sent to the Chief Architect of the States, the Chief Fire Officer and the Chief Public Health Inspector, who shall cause reports thereon to be prepared and sent to the Attorney General.

(3) Where an application relates to premises registered or proposed to be registered with the Committee, copies of the relevant plans shall also be sent to the Committee.

(4) An application for the grant of a provisional licence shall be subject to the same procedure as that to which an application for the grant of a licence is subject under this Law, save that no fee shall be payable on the making of the application.

(5) When the work of construction or adaptation has been completed, the holder of the provisional licence shall transmit to the Attorney General –

- (a) the certificate of an architect stating that the work has been completed in accordance with such plans as aforesaid (or, if the plans have been modified, indicating the nature of the modifications and stating that the work has been completed in accordance with the plans as modified); and
- (b) the receipt of the Treasurer of the States for the appropriate licence fee or fees;

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and the Attorney General shall present the said certificate and receipt to the Court.

(6) On presentation of the said certificate and receipt to the Court, the Court shall confirm the licence:

Provided that where the plans have been modified, the Court may refer the matter to the Licensing Assembly and the Assembly may confirm or refuse to confirm the licence as it sees fit.

(7) A licence confirmed under this Article shall take effect on the date on which it is confirmed and, subject to the provisions of this Law, shall remain in force until the twenty-fourth day of December next following that date:

Provided that where a licence is confirmed on a date between the tenth day of November and the twenty-fourth day of December, both dates inclusive, the licence shall remain in force until the twenty-fourth day of December in the year next following that in which that date falls.

ARTICLE 9

SUBMISSION OF MATTERS BY ATTORNEY GENERAL TO ASSEMBLY

(1) Whenever the Attorney General is of the opinion that any matter relating to a licence should be referred to the Licensing Assembly he may submit such matter to the Assembly and in any such case the Assembly shall consider the matter and, having regard to all the circumstances of the case, may suspend or revoke the licence in relation to which the submission is made or may attach thereto such conditions as may seem desirable.

(2) When considering any matter submitted to it under paragraph (1) of this Article, the Licensing Assembly shall be entitled, at its absolute discretion, to hear any person, either personally or by an advocate or a solicitor, in connexion with the matter under consideration.

(3) Where under paragraph (1) of this Article the Licensing Assembly revokes any licence after the licence has been renewed for the following year in accordance with Article 10 of this Law and before the date on which the renewal would, but for the revocation, have taken effect, any licence fee or fees and dues paid by the holder of the licence in connexion with such renewal shall be refunded to him.

ARTICLE 10

RENEWAL OF LICENCES

(1) Subject to the provisions of this Article and of paragraph (4) of Article 19 of this Law, any licence which expires on the twenty-fourth day of December in any year may be renewed for a further period of one year, on application made to the Treasurer of the States, in the prescribed form –

- (a) between the fifth day of October and the fifth day of November, both dates inclusive, in that year, on payment to him of the appropriate licence fee or fees;
- (b) between the sixth day of November and the fourteenth day of December, both dates inclusive in that year, on payment to him of the said fee or fees, together with an additional fee of fifty pounds;

and on production to him of a copy of the Act of the Licensing Assembly whereby the licence was granted, the Treasurer of the States shall, in such a case, endorse the renewal of the licence on the Act of the Assembly.

(2) On at least four occasions between the first day of October and the first day of November in every year, the Treasurer of the States shall publish in the Jersey Gazette a notice reminding holders of licences of the action required to be taken by them under the foregoing provisions of this Article in order to obtain the renewal of their licences.

(3) As soon as may be after the fifth day of November and the fourteenth day of December in each year, the Treasurer of the States –

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- (a) shall prepare a list, arranged by parishes in alphabetical order, setting out the name, address and nationality of each person whose licence has been renewed under the foregoing provisions of this Article, or, in the case of a licence held by a limited liability company, the name of the company, the address of its registered office and the name of its secretary, or in the case of a licence of the fifth category, the name of the club to which the licence relates and the name of its secretary, and indicating the category or categories of licence renewed and the address of the premises to which the licence relates; and
- (b) shall transmit a copy thereof to each of the following, namely, the Bailiff, the Attorney General, the Judicial Greffier and the Committee, and shall also transmit to each Constable a copy of that part of the list which relates to his parish.

ARTICLE 11

FEES

The States shall by Regulations fix the fees payable on the grant or renewal of a licence and different fees may be fixed for different categories of licence and for different periods of duration of licence.

PART III

GENERAL PROVISIONS AS TO SALE AND CONSUMPTION OF
INTOXICATING LIQUOR AND CONDUCT OF LICENSED
PREMISES

ARTICLE 12

GENERAL CONDITIONS OF ON-LICENCES

For the purposes of this Law, an on-licence shall be deemed to be granted subject to the following conditions, namely that –

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- (a) every public bar on the licensed premises shall be closed at all times outside the permitted hours;
- (b) no person under the age of eighteen years shall be allowed to remain, during the permitted hours, in any room in which there is a public bar;
- (c) no person under the age of eighteen years shall be employed in work in connexion with any bar on the licensed premises;
- (d) save by permission of the Bailiff, no dancing or cabaret shall be permitted or provided on the licensed premises except by or for persons residing therein and their bona-fide guests or members of a club in respect of which a licence of the fifth category is held or guests of such members:

Provided that no such permission shall be necessary where the Bailiff has stated in writing that, in his opinion, his permission is not required for the purposes for which it is intended that the premises should be used;

- (e) no unlawful gambling shall be permitted on the licensed premises;
- (f) no debauchery or drunkenness shall be permitted on the licensed premises;
- (g) intoxicating liquor shall not be supplied to any of the following persons, namely –
 - (i) persons under the influence of alcohol;
 - (ii) police officers in uniform;
- (h) no excessive noise shall be permitted to emanate from the licensed premises;

- (i) no structural alterations nor any alterations to the layout of the premises shall be made to the licensed premises without the prior approval of the Licensing Assembly and in the case of registered premises without the consent also of the Committee.

ARTICLE 13

SERVING OR DELIVERING INTOXICATING LIQUOR TO OR FOR CONSUMPTION BY PERSONS UNDER EIGHTEEN

(1) Subject to paragraph (4) of this Article, the holder of the licence shall not in licensed premises sell intoxicating liquor to a person under the age of eighteen years or allow a person under that age to consume intoxicating liquor on the licensed premises.

(2) Subject to paragraph (4) of this Article, a person under the age of eighteen years shall not on licensed premises buy or attempt to buy intoxicating liquor nor consume intoxicating liquor therein.

(3) Subject to paragraph (4) of this Article, no person shall buy or attempt to buy intoxicating liquor for consumption on licensed premises by a person under the age of eighteen years.

(4) The foregoing provisions of this Article shall not prohibit the serving to a person under the age of eighteen years accompanied by a person over that age of 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) Subject to paragraph (7) of this Article, the holder of the licence shall not deliver, nor shall the holder of the licence allow any person to deliver, to a person under the age of eighteen years intoxicating liquor sold on licensed premises for consumption off the premises except where the delivery is made at the residence or working place of the purchaser.

(6) Subject to paragraph (7) of this Article, a person shall not send a person under the age of eighteen years for the purpose of

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obtaining intoxicating liquor sold or to be sold in licensed premises for consumption off the premises, whether the liquor is to be obtained from the licensed premises or other premises from which it is delivered in pursuance of the sale.

(7) Paragraphs (5) and (6) of this Article shall not apply where the person under the age of eighteen years is a member of the family, or is a servant, of the holder of the licence and is employed as a messenger to deliver intoxicating liquor.

(8) A person guilty of an offence against this Article shall be liable in the case of a first offence to a fine not exceeding one hundred pounds, and in the case of a second or subsequent offence to a fine not exceeding two hundred pounds.

(9) In any proceedings for an offence under this Article, it shall be a good defence for the defendant to prove that he did not know, and could not with reasonable enquiry have ascertained that the person was under the age of eighteen years.

ARTICLE 14

STRENGTH OF SPIRITS

(1) No person shall sell any spirits for consumption as a beverage, if the strength is less than seventy degrees proof spirit as ascertained in accordance with the enactments for the time being in force in the Island in relation to the administration of impôts on wines and spirits.

(2) Any officer of the Impôts may enter on any licensed premises at any time and take steps as may be necessary for ensuring that the provisions of this Article are duly observed.

(3) If any person acts in contravention of the provisions of this Article, or obstructs or impedes an officer of the Impôts in the due exercise of his powers thereunder, he shall be guilty of an offence.

ARTICLE 15

COPY OF LAW TO BE KEPT ON LICENSED PREMISES

(1) The holder of a licence shall keep a copy of this Law, and of all amendments thereto, on the licensed premises and shall produce the same to any person requiring him to do so.

(2) If the holder of a licence fails to comply with the provisions of this Article, he shall be liable to a fine not exceeding twenty pounds.

ARTICLE 16

CLOSING OF LICENSED PREMISES

(1) For the avoidance of doubt, it is hereby declared that the holder of a licence may close the licensed premises at any time and for any period.

(2) Notwithstanding the provisions of paragraph (1) of this Article, where the holder of a licence closes the licensed premises for a period of more than one day, he shall give prior notice of the closure to the Constable of the parish concerned, and, if he fails to do so, he shall be liable to a fine not exceeding fifty pounds.

ARTICLE 17

RIGHT TO EXCLUDE PERSONS FROM LICENSED PREMISES

(1) The holder of a licence, or his servant or agent, may, without giving any reason therefor, refuse to admit to, and may expel from, the licensed premises any person who is drunken, violent, quarrelsome or disorderly, or any person whose presence on the premises would subject the holder of the licence to a penalty under this Law.

(2) Any police officer shall, at the request of the holder of a licence, or his servant or agent, help to expel from the licensed premises

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any person liable to be expelled from them under this Article, and may use such force as may be required for the purpose.

(3) If any person, on being requested in pursuance of this Article by the holder of a licence or his servant or agent or any police officer, to quit the licensed premises, refuses or fails to do so, he shall be liable to a fine not exceeding fifty pounds.

ARTICLE 18

PROCURING DRINK FOR DRUNKEN PERSON

If any person on licensed premises procures or attempt to procure any intoxicating liquor for consumption by a drunken person, or aids a drunken person in obtaining or consuming intoxicating liquor on such premises, he shall be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding one month.

ARTICLE 19

COMPANIES, DECEASED LICENCE HOLDERS AND LICENCE HOLDERS UNDER DISABILITY

(1) Where a licence is held by a limited liability company, or where the holder of a licence dies or appoints an attorney without whom he may not transact in matters real or personal, or where a curator is appointed to manage and administer the property and affairs of the holder of the licence, the licence shall be of no effect unless –

- (a) the business in respect of which the licence is held is under the charge of a manager;
- (b) notice of the appointment of the manager has been given to the Constable of the parish concerned; and
- (c) the manager has, within twenty eight days of the appointment, been registered as such by the Court;

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Provided that the Court may, at its discretion, extend the said period of twenty eight days.

(2) The Court shall not register any person as a manager in pursuance of paragraph (1) of this Article unless it is satisfied that that person is a fit and proper person to have charge of the licensed premises and, in the case of premises registered by the Committee, the person appointed as manager has been approved by the Committee.

(3) The provisions of Article 4 of this Law shall apply to applications for the registration of managers in pursuance of this Article, but as if references therein to the Licensing Assembly and the Parish Assembly were references to the Court.

(4) Where the holder of a licence dies or appoints an attorney without whom he may not transact in matters real or personal or where a curator is appointed to manage and administer the property and affairs of the holder of a licence, the licence shall not be renewable in accordance with the provisions of Article 10 of this Law.

ARTICLE 20

ABSENCE FROM THE ISLAND OF ON-LICENCE HOLDER OR MANAGER

(1) Where the holder of an on-licence or the manager of a business in respect of which an on-licence is held will be absent from the Island, he shall –

- (a) where the period of absence does not exceed thirty days during a consecutive period of six months, obtain the approval of the Constable of the parish concerned to the person who will deputise for him during his absence; and
- (b) in any other case, obtain the approval of the Court to the person who will deputise for him during his absence;

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and, in either event, where the business is conducted on registered premises he shall obtain the approval of the Committee to the person who will deputise for him.

(2) The provisions of Article 4 of this Law shall apply to applications for the approval of the Court under sub-paragraph (b) of paragraph (1) of this Article, but as if references therein to the Licensing Assembly and the Parish Assembly were references to the Court.

(3) If any person fails to comply with the provisions of this Article he shall be guilty of an offence.

ARTICLE 21

**POWERS AND DUTIES OF MANAGERS, CLUB SECRETARIES
ETC**

The provisions of this Law relating to the holder of a licence shall apply *mutatis mutandis* to a manager, a person deputising for the holder of an on-licence or a manager in pursuance of Article 20 of this Law, and the secretary of a club in respect of which a licence of the fifth category is held.

PART IV

THE TAVERNER'S LICENCE

ARTICLE 22

APPLICATION OF THIS PART OF THIS LAW

This Part of this Law applies only to licences of the first category and to premises in respect of which a licence of the first category is held.

ARTICLE 23

SCOPE OF LICENCE

Subject to the provisions of this Law, a licence shall authorize the sale by retail of intoxicating liquor –

- (a) for consumption on the licensed premises, to –
 - (i) persons residing on the premises, at any time;
 - (ii) any other persons, during the permitted hours; and
- (b) in closed vessels for consumption off the licensed premises, to any persons –
 - (i) on weekdays between 09.00 hours and 21.00 hours; and
 - (ii) on Sundays between 11.00 hours and 13.00 hours and 16.30 hours and 21.00 hours.

ARTICLE 24

INSPECTION OF PREMISES

(1) Where application is made for the grant of a licence the Constable of the parish concerned shall request the Chief Fire Officer, the Chief Public Health Inspector and any other competent person of the Constable's choice to inspect the premises to which the application relates and to furnish him with a report in writing on the state and condition of the premises, particular mention being made of sanitary conveniences and precautions against fire and for the safety of persons in the case of fire, in sufficient time for the report to be submitted to the Parish Assembly at which the application will be considered.

(2) The report on the inspection shall also state whether, in the view of the competent person making the report, any rooms or area on the premises which are used or to be used for the purposes of

entertainment are sufficiently insulated to ensure that the level of noise arising from the entertainment is not or will not be detrimental to the comfort of persons residing on the premises or in the vicinity thereof.

(3) The expenses reasonably incurred by the Constable under this Article shall be reimbursed to him by the applicant.

ARTICLE 25

RESTRICTION ON GRANT OF LICENCE

A licence shall not be granted in respect of any registered premises which do not provide a sitting-room of adequate size, other than a bar-lounge, for the exclusive use of persons accommodated for reward on the premises.

ARTICLE 26

RESTRICTION ON CONSUMPTION OF INTOXICATING LIQUOR ON LICENSED PREMISES

(1) No person shall consume any intoxicating liquor on any licensed premises outside the hours during which such liquor may under the provisions of this Law be sold to him on those premises:

Provided that nothing in this paragraph shall prohibit the consumption of intoxicating liquor between 06.00 hours and 01.00 hours the following day, by bona fide guests of persons accommodated for reward on the premises nor the consumption at any time by bona fide guests of the holder of the licence in that part of the licensed premises set aside exclusively for the ordinary residential use of the holder of the licence and his family.

(2) If any person acts in contravention of the provisions of this Article, he and the holder of the licence shall each be liable to a fine not exceeding five hundred pounds:

Provided that it shall be a good defence to any proceedings against the holder of a licence in respect of an offence against this Article

to prove that he took all reasonable precautions to prevent the commission of the offence.

ARTICLE 27

RESTRICTION ON TRANSACTION OF BUSINESS ON LICENSED PREMISES

(1) No person shall sell or cause or permit any other person to sell on the licensed premises or on any annexe thereto –

- (a) any goods other than food, drink, chocolate, confectionery, matches, cigarettes, cigars, tobacco, newspapers, periodicals, notepaper, envelopes, postcards, postage stamps or envelopes commonly known as “first-day covers”, photographs of the premises, tickets in any lottery which is not unlawful gambling, business reply letters sold in connexion with a public lottery promoted and conducted in pursuance of Regulation 2 of the Gambling (Public Lotteries) (Jersey) Regulations, 1971,⁴ tissues, sanitary towels, sun lotions or tickets for tours or of admission to places of entertainment;
- (b) to any person on any one occasion, more than twenty-five cigarettes, five cigars or two ounces of tobacco.

(2) No person shall have in his possession for sale packets containing more than twenty-five cigarettes or two ounces of tobacco.

(3) If any person acts in contravention of the provisions of this Article, he shall be guilty of an offence.

ARTICLE 28

POSTING OF LICENCES AND OTHER PARTICULARS

The holder of a licence shall –

⁴ R & O5608.

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- (a) cause to be painted or fixed, and keep painted or fixed, in some conspicuous place and so as to be easily legible, on or immediately over and on the outer side of the main entrance of the licensed premises, his name in full and the category and description of the licence;
- (b) keep displayed, in some conspicuous place in the interior of the licensed premises near to the main entrance thereof, a copy of the Act of the Licensing Assembly whereby the licence was granted;
- (c) keep displayed, at the exterior and close to each entrance of the licensed premises normally used by the public, and in each room or other place in the premises in which intoxicating liquor is ordinarily served, in a conspicuous position where it may be seen by customers, a notice specifying the charges made for the various descriptions of liquor sold according to the measures by which they are sold and keep every such list displayed at the exterior of the premises illuminated where necessary for it to be easily readable by customers;
- (d) ensure that a charge in excess of the appropriate charge specified in such list is neither demanded nor received;

and, if he fails to do so, he shall, in respect of each offence, be liable to a fine not exceeding three hundred pounds and to a further fine not exceeding five pounds for each day during which the offence continues.

ARTICLE 29

PERMITTED HOURS

The permitted hours are –

<i>Weekdays</i>	<i>Sunday, Good Friday and Christmas Day</i>
09.00 to 23.00	11.00 to 13.00

16.30 to 23.00

extended on New Year's Eve to 01.00 on New Year's Day.

ARTICLE 30**ENTRY OF PERSONS ON PREMISES**

(1) No member of the public shall be permitted to enter or be on the licensed premises before 06.00 hours or after 23.00 hours:

Provided that a bona fide guest of a person accommodated for reward on the licensed premises may enter after 06.00 hours and remain there until 01.00 hours the following day.

(2) Notwithstanding the provisions of paragraph (1) of this Article, bona fide guests of the holder of a licence may at any time enter and remain on that part of the licensed premises set aside exclusively for the ordinary residential use of the holder of the licence and his family.

PART V**THE RESIDENTIAL LICENCE****ARTICLE 31****APPLICATION OF THIS PART OF THIS LAW**

This Part of this Law applies only to licences of the second category and to premises in respect of which a licence of the second category is held.

ARTICLE 32**SCOPE OF LICENCE**

Subject to the provisions of this Law, a licence shall authorize the sale by retail of intoxicating liquor, for consumption on the licensed premises, to persons residing on the premises, at any time.

ARTICLE 33

RESTRICTION ON GRANT OF LICENCE

(1) A licence shall not be granted either in respect of any premises which are not registered premises, or premises in respect of which a licence of the first category is held.

(2) A licence shall not be granted in respect of any premises which do not provide a sitting-room of adequate size, other than a bar-lounge, for the exclusive use of persons accommodated for reward on the premises.

ARTICLE 34

SEASONAL LICENCES

(1) Where a licence of the second category (and no licence of any other category) is granted in respect of any premises, the licence may, either at the request of the applicant or otherwise, be granted subject to the condition that the business carried on on the premises shall be suspended during the Winter Season, and in such case –

- (a) the provisions of Articles 16 and 20 of this Law shall not apply in relation to the premises or the holder of the licence during the Winter Season; and
- (b) nothing in Article 38 of this Law shall prohibit any guest of the holder of the licence from entering or remaining on the premises at any time during the Winter Season.

(2) Where a licence is granted subject to the condition referred to in paragraph (1) of this Article, the licence fee shall be reduced by one-third, and, where a licence fee of the full amount has been paid, the excess shall be refunded to the applicant.

ARTICLE 35

RESTRICTION ON CONSUMPTION OF INTOXICATING LIQUOR ON LICENSED PREMISES

(1) No person shall consume any intoxicating liquor on licensed premises other than bona fide guests of a person accommodated for reward on the premises and then only between the hours of 06.00 hours and 01.00 hours the following day, or bona fide guests of the holder of the licence in that part of the licensed premises set aside exclusively for the ordinary residential use of the holder of the licence and his family.

(2) If any person acts in contravention of the provisions of this Article, he and the holder of the licence shall each be liable to a fine not exceeding five hundred pounds:

Provided that it shall be a good defence to any proceedings against the holder of a licence in respect of an offence against this Article to prove that he took all reasonable precautions to prevent the commission of the offence.

ARTICLE 36

RESTRICTION ON TRANSACTION OF BUSINESS ON LICENSED PREMISES

(1) No person shall sell or cause or permit any other person to sell on the licensed premises or on any annexe thereto –

- (a) any goods other than food, drink, chocolate, confectionery, matches, cigarettes, cigars, tobacco, newspapers, periodicals, notepaper, envelopes, postcards, postage stamps or envelopes commonly known as “first-day covers”, photographs of the premises, tickets in any lottery which is not unlawful gambling, business reply letters sold in connexion with a public lottery promoted and conducted in pursuance of Regulation 2 of the Gambling (Public

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Lotteries) (Jersey) Regulations, 1971,⁵ tissues, sanitary towels, sun lotions or tickets for tours or of admission to places of entertainment;

(b) to any person on any one occasion, more than twenty-five cigarettes, five cigars or two ounces of tobacco.

(2) No person shall have in his possession for sale packets containing more than twenty-five cigarettes or two ounces of tobacco.

(3) If any person acts in contravention of the provisions of this Article, he shall be guilty of an offence.

ARTICLE 37

POSTING OF LICENCES AND OTHER PARTICULARS

The holder of a licence, shall –

- (a) cause to be painted or fixed, and keep painted or fixed, in some conspicuous place and so as to be easily legible, on or immediately over and on the outer side of the main entrance of the licensed premises, his name in full and the category and description of the licence;
- (b) keep displayed, in some conspicuous place in the interior of the licensed premises near to the main entrance thereof, a copy of the Act of the Licensing Assembly whereby the licence was granted;
- (c) keep displayed in each room or other place in the licensed premises in which intoxicating liquor is ordinarily served, in a conspicuous position where it may be seen by customers, a notice specifying the charges made for the various descriptions of liquor sold according to the measures by which they are sold;

⁵ R & O 5608.

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- (d) ensure that a charge in excess of the appropriate charge specified in such list is neither demanded nor received;

and, if he fails to do so, he shall, in respect of each offence, be liable to a fine not exceeding three hundred pounds and to a further fine not exceeding five pounds for each day during which the offence continues.

ARTICLE 38

ENTRY OF PERSONS ON PREMISES

- (1) No member of the public shall be permitted to enter or be on the licensed premises before 06.00 hours or after 23.00 hours:

Provided that a bona fide guest of a person accommodated for reward on the licensed premises may enter at any time after 06.00 hours and remain there until 01.00 hours the following day.

- (2) Notwithstanding the provisions of paragraph (1) of this Article, bona fide guests of the holder of a licence may at any time enter and remain on that part of the licensed premises set aside exclusively for the ordinary residential use of the holder of the licence and his family.

PART VI

THE RESTAURANT LICENCE

ARTICLE 39

APPLICATION OF THIS PART OF THIS LAW

This Part of this Law applies only to licences of the third category and to premises in respect of which a licence of the third category is held.

ARTICLE 40

SCOPE OF LICENCE

Subject to the provisions of this Law, a licence shall authorize the sale by retail, during the permitted hours, of intoxicating liquor for consumption on the licensed premises, to persons taking a meal on the premises.

ARTICLE 41

INSPECTION OF PREMISES

(1) Where application is made for the grant of a licence the Constable of the parish concerned shall request the Chief Fire Officer, the Chief Public Health Inspector and any other competent person of the Constable's choice to inspect the premises to which the application relates and to furnish him with a report in writing on the state and condition of the premises, particular mention being made of sanitary conveniences and precautions against fire and for the safety of persons in the case of fire, in sufficient time for the report to be submitted to the Parish Assembly at which the application will be considered.

(2) The report on the inspection shall also state whether, in the view of the competent person making the report, any rooms or area on the premises which are used or to be used for the purposes of entertainment are sufficiently insulated to ensure that the level of noise arising from the entertainment is not or will not be detrimental to the comfort of persons residing on the premises or in the vicinity thereof.

(3) The expenses reasonably incurred by the Constable under this Article shall be reimbursed to him by the applicant.

ARTICLE 42

RESTRICTION ON GRANT OF LICENCE

(1) A licence shall not be granted in respect of any registered premises unless a licence of the second category is granted or held in respect of those premises.

(2) A licence shall not be granted in respect of any registered premises which in the opinion of the Committee are not suitably designed to meet the needs of both residents and non-residents, and which cannot conduct the business of a restaurant without prejudicing the comfort of persons accommodated for reward on the premises.

(3) A licence shall not be granted in respect of any registered premises which do not provide a sitting room of adequate size, other than a bar-lounge, for the exclusive use of persons accommodated for reward on the premises.

ARTICLE 43

POSTING OF LICENCE AND OTHER PARTICULARS

The holder of a licence shall –

- (a) cause to be painted or fixed, and keep painted or fixed, in some conspicuous place and so as to be easily legible, on or immediately over and on the outer side of the main entrance of the licensed premises, his name in full and the category and description of the licence;
- (b) keep displayed, in some conspicuous place in the interior of the licensed premises near to the main entrance thereof, a copy of the Act of the Licensing Assembly whereby the licence was granted;
- (c) keep displayed, at the exterior and close to each entrance of the licensed premises normally used by the public, and

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in each room or other place in the premises in which intoxicating liquor is ordinarily served, in a conspicuous position where it may be seen by customers, a notice specifying the charges made for the various descriptions of liquor sold according to the measures by which they are sold, and keep every such list displayed at the exterior of the premises illuminated where necessary for it to be easily readable by customers;

- (d) ensure that a charge in excess of the appropriate charge specified in such list is neither demanded nor received;

and, if he fails to do so, he shall, in respect of each offence be liable to a fine not exceeding three hundred pounds and to a further fine not exceeding five pounds for each day during which the offence continues.

ARTICLE 44

PERMITTED HOURS

The permitted hours are –

<i>Weekdays</i>	<i>Sunday, Good Friday and Christmas Day.</i>
09.00–01.00	11.00–01.00

ARTICLE 45

ENTRY OF PERSONS ON PREMISES

No member of the public shall be permitted to enter or be on the licensed premises before 06.00 hours or after 01.30 hours the following day.

PART VII**THE COMPREHENSIVE LICENCE****ARTICLE 46****APPLICATION OF THIS PART OF THIS LAW**

This Part of this Law applies only to licences of the fourth category and to premises in respect of which a licence of the fourth category is held.

ARTICLE 47**SCOPE OF LICENCE**

Subject to the provisions of this Law, a licence shall authorize the sale by retail of intoxicating liquor –

- (a) for consumption on the licensed premises to –
 - (i) persons residing on the premises at any time;
 - (ii) any other person, during the permitted hours;
- (b) in closed vessels for consumption off the licensed premises, to any persons –
 - (i) on weekdays between 09.00 hours and 21.00 hours;
and
 - (ii) on Sundays between 11.00 hours and 13.00 hours and
16.30 hours and 21.00 hours.

ARTICLE 48

INSPECTION OF PREMISES

(1) Where application is made for the grant of a licence the Constable of the parish concerned shall request the Chief Fire Officer, the Chief Public Health Inspector and any other competent person of the Constable's choice to inspect the premises to which the application relates and to furnish him with a report in writing on the state and condition of the premises, particular mention being made of sanitary conveniences and precautions against fire and for the safety of persons in the case of fire, in sufficient time for the report to be submitted to the Parish Assembly at which the application will be considered.

(2) The report on the inspection shall also state whether, in the view of the competent person making the report, any rooms or area on the premises which are used or to be used for the purposes of entertainment are sufficiently insulated to ensure that the level of noise arising from the entertainment is not or will not be detrimental to the comfort of persons residing on the premises or in the vicinity thereof.

(3) The expenses reasonably incurred by the Constable under this Article shall be reimbursed to him by the applicant.

ARTICLE 49

RESTRICTION ON GRANT OF LICENCE

(1) A licence shall not be granted in respect of any premises which are not registered premises and which in the opinion of the Licensing Assembly are not suitably designed to meet the needs of both residents and non-residents and on which the business cannot be conducted without prejudicing the comfort of the residents.

(2) A licence shall not be granted in respect of any registered premises which do not provide a sitting-room of adequate size, other than a bar-lounge, for the exclusive use of residents.

ARTICLE 50

RESTRICTION ON CONSUMPTION OF INTOXICATING LIQUOR ON LICENSED PREMISES

(1) No person shall consume any intoxicating liquor on any licensed premises outside the hours during which such liquor may under the provisions of this Law be sold to him on those premises:

Provided that nothing in this paragraph shall prohibit the consumption of intoxicating liquor at any time by bona fide guests of persons accommodated for reward on the premises nor the consumption at any time by bona fide guests of the holder of the licence in that part of the licensed premises set aside exclusively for the ordinary residential use of the holder of the licence and his family.

(2) If any person acts in contravention of the provisions of this Article, he and the holder of the licence shall each be liable to a fine not exceeding five hundred pounds:

Provided that it shall be a good defence to any proceedings against the holder of a licence in respect of an offence against this Article to prove that he took all reasonable precautions to prevent the commission of the offence.

ARTICLE 51

RESTRICTION ON TRANSACTION OF BUSINESS ON LICENSED PREMISES

(1) No person shall sell or cause or permit any other person to sell on the licensed premises or on any annexe thereto –

- (a) any goods other than food, drink, chocolate, confectionery, matches, cigarettes, cigars, tobacco, newspapers, periodicals, notepaper, envelopes, postcards, postage stamps or envelopes commonly known as “first-day covers”, photographs of the premises, tickets in any lottery which is not unlawful gambling, business reply letters sold

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in connexion with a public lottery promoted and conducted in pursuance of Regulation 2 of the Gambling (Public Lotteries) (Jersey) Regulations, 1971,⁶ tissues, sanitary towels, sun lotions or tickets for tours or of admission to places of entertainment;

- (b) to any person on any one occasion, more than twenty-five cigarettes, five cigars or two ounces of tobacco.

(2) No person shall have in his possession for sale packets containing more than twenty-five cigarettes or two ounces of tobacco.

(3) If the holder of a licence acts in contravention of the provisions of this Article, he shall be guilty of an offence.

ARTICLE 52

POSTING OF LICENCE AND OTHER PARTICULARS

The holder of a licence shall –

- (a) cause to be painted or fixed, and keep painted or fixed, in some conspicuous place and so as to be easily legible, on or immediately over and on the outer side of the main entrance of the licensed premises, his name in full and the category and description of the licence;
- (b) keep displayed, in some conspicuous place in the interior of the licensed premises near to the main entrance thereof, a copy of the Act of the Licensing Assembly whereby the licence was granted;
- (c) keep displayed, at the exterior and close to each entrance of the licensed premises normally used by the public, and in each room or other place in the premises in which intoxicating liquor is ordinarily served, in a conspicuous position where it may be seen by customers, a notice

⁶ R & O 5608.

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specifying the charges made for the various descriptions of liquor sold according to the measures by which they are sold, and keep every such list displayed at the exterior of the premises illuminated where necessary for it to be easily readable by customers;

- (d) ensure that a charge in excess of the appropriate charge specified in such list is neither demanded nor received;

and, if he fails to do so, he shall, in respect of each offence, be liable to a fine not exceeding three hundred pounds and to a further fine not exceeding five pounds for each day during which the offence continues.

ARTICLE 53

PERMITTED HOURS

- (1) The permitted hours are –

<i>Weekdays</i>	<i>Sunday, Good Friday and Christmas Day</i>
09.00 to 23.00	11.00 to 13.00

- (2) Any public bar shall be closed from –

- (a) 23.00 hours to 09.00 hours on weekdays;
- (b) 23.00 hours to 11.00 hours on Saturday night/Sunday Morning, Maundy Thursday/Good Friday, Christmas Eve/Christmas Day;
- (c) 13.00 hours to 16.30 hours and 23.00 hours to midnight on Sundays, Good Friday and Christmas Day.
- (d) 01.00 hours to 09.00 hours on New Year's Day.

ARTICLE 54

ENTRY OF PERSONS ON PREMISES

(1) No member of the public shall be permitted to enter or be on the licensed premises after 01.00 hours or before 06.00 hours on any day:

Provided that –

- (a) a bona fide guest of a person accommodated for reward on the licensed premises may enter and remain there at any time;
- (b) a bona fide guest of the holder of a licence may at any time enter and remain on that part of the licensed premises set aside exclusively for the ordinary residential use of the holder of the licence and his family.

PART VIII

THE CLUB LICENCE

ARTICLE 55

APPLICATION OF THIS PART OF THIS LAW

This Part of this Law applies only to licences of the fifth category and to premises in respect of which a licence of the fifth category is held.

ARTICLE 56

SCOPE OF LICENCE

Subject to the provisions of this Law, a licence shall authorize the sale by retail of intoxicating liquor, for consumption on the licensed premises, to members of the club and their bona fide guests in respect of which the licence is held –

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- (a) if resident on the premises, at any time; and
- (b) if not resident on the premises, during the permitted hours.

ARTICLE 57

INSPECTION OF PREMISES

(1) Where application is made for the grant of a licence the Constable of the parish concerned shall request the Chief Fire Officer, the Chief Public Health Inspector and any other competent person of the Constable's choice to inspect the premises to which the application relates and to furnish him with a report in writing on the state and condition of the premises, particular mention being made of sanitary conveniences and precautions against fire and for the safety of persons in the case of fire, in sufficient time for the report to be submitted to the Parish Assembly at which the application will be considered.

(2) The report on the inspection shall also state whether, in the view of the competent person making the report, any rooms or area on the premises which are used or to be used for the purposes of entertainment are sufficiently insulated to ensure that the level of noise arising from the entertainment is not or will not be detrimental to the comfort of persons residing on the premises or in the vicinity thereof.

(3) The expenses reasonably incurred by the Constable under this Article shall be reimbursed to him by the applicant.

ARTICLE 58

FURTHER DETAILS TO ACCOMPANY APPLICATION FOR LICENCE

(1) An application for a licence shall be accompanied by a list of the members, a copy of the rules and the name and address of the Secretary for the time being of the Club in respect of which the application is made.

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(2) The rules shall be subject to the approval of the Attorney General and, once approved, shall not be amended without his consent, which consent shall not be unreasonably withheld.

(3) The name and address of the Secretary for the time being of the Club shall be notified as soon as may be to the Judicial Greffier.

ARTICLE 59

DUTY OF LICENSING ASSEMBLY

Before granting a licence, the Licensing Assembly shall examine the rules of the club in respect of which the application is made and shall satisfy itself –

- (a) that the club is a bona fide club;
- (b) that the supply of intoxicating liquor is ancillary to the main purpose of the club; and
- (c) that the rules governing the election of members and honorary members of the club, and the rules governing the admission to the club of non-members, are adequate.

ARTICLE 60

RESTRICTION ON CONSUMPTION OF INTOXICATING LIQUOR ON LICENSED PREMISES

(1) No person shall consume any intoxicating liquor on any licensed premises outside the hours during which such liquor may under the provisions of this Law be sold to him on those premises.

(2) If any person acts in contravention of the provision of this Article, he and the holder of the licence shall each be liable to a fine not exceeding five hundred pounds:

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Provided that it shall be a good defence to any proceedings against the holder of a licence in respect of an offence against this Article to prove that he took all reasonable precautions to prevent the commission of the offence.

ARTICLE 61

PERMITTED HOURS

The permitted hours are –

<i>Weekdays</i>	<i>Sunday, Good Friday and Christmas Day.</i>
09.00–01.00	11.00–01.00

ARTICLE 62

ENTRY OF PERSONS ON PREMISES

No member of the public shall be permitted to enter or be on the licensed premises after 01.00 hours or before 06.00 hours on any day.

PART IX

THE OFF LICENCE

ARTICLE 63

APPLICATION OF THIS PART OF THIS LAW

This Part of this Law applies only to licences of the sixth category and to premises in respect of which a licence of the sixth category is held.

Jersey Law 21/1974 Licensing (Jersey) Law, 1974

ARTICLE 64

SCOPE OF LICENCE

Subject to the provisions of this Law, a licence shall authorize the sale to any person, during the permitted hours, of intoxicating liquor in closed vessels, for consumption off the licensed premises.

ARTICLE 65

POSTING OF LICENCE AND OTHER PARTICULARS

The holder of a licence shall –

- (a) cause to be painted or fixed, and keep painted or fixed, in some conspicuous place and so as to be easily legible, on or immediately over and on the outer side of the main entrance of the licensed premises, his name in full and the category and description of the licence;
- (b) keep displayed, in some conspicuous place in the interior of the licensed premises near to the main entrance thereof, a copy of the Act of the Licensing Assembly whereby the licence was granted;

and, if he fails to do so, he shall, in respect of each offence, be liable to a fine not exceeding one hundred pounds and to a further fine not exceeding five pounds for each day during which the offence continues.

ARTICLE 66

PERMITTED HOURS

The permitted hours are –

<i>Weekdays</i>	<i>Sunday, Good Friday and Christmas Day.</i>
08.00–21.00	–

ARTICLE 67

GENERAL CONDITIONS OF OFF LICENCES

For the purposes of this Law, an off licence shall be deemed to be granted subject to the following conditions namely –

- (a) that intoxicating liquor shall not be supplied to any of the following persons, namely –
 - (i) persons under the influence of alcohol;
 - (ii) police officers in uniform;
- (b) that no member of the public, other than a bona fide guest of the holder of the licence, shall be permitted to enter or be on the licensed premises outside the permitted hours, or on Sundays unless a permit has been granted to the holder of the licence under the Shops (Sunday Trading) (Jersey) Law, 1960⁷, to open the premises on a Sunday.

PART X

THE ENTERTAINMENT LICENCE

ARTICLE 68

APPLICATION OF THIS PART OF THIS LAW

This Part of this Law applies only to licences of the seventh category and to premises in respect of which a licence of the seventh category is held.

⁷ Tome 1957-1960, page 501, Tome 1968-1969, page 41 and R & O 4967

ARTICLE 69

SCOPE OF LICENCE

Subject to the provisions of this Law, a licence shall authorize the sale by retail of intoxicating liquor for consumption on licensed premises in respect of –

- (a) a cinema or theatre, from the earliest hour of the permitted hours until the end of the final performance or 01.00 hours the following day, whichever is the earlier;
- (b) any other place of entertainment, during the permitted hours.

ARTICLE 70

INSPECTION OF PREMISES

(1) Where application is made for the grant of a licence the Constable of the parish concerned shall request the Chief Fire Officer, the Chief Public Health Inspector and any other competent person of the Constable's choice to inspect the premises to which the application relates and to furnish him with a report in writing on the state and condition of the premises, particular mention being made of sanitary conveniences and precautions against fire and for the safety of persons in the case of fire, in sufficient time for the report to be submitted to the Parish Assembly at which the application will be considered.

(2) The report on the inspection shall also state whether, in the view of the competent person making the report, any rooms or area on the premises which are used or to be used for the purposes of entertainment are sufficiently insulated to ensure that the level of noise arising from the entertainment is not or will not be detrimental to the comfort of persons residing on the premises or in the vicinity of the premises.

(3) The expenses reasonably incurred by the Constable under this Article shall be reimbursed to him by the applicant.

ARTICLE 71

RESTRICTION ON GRANT OF LICENCE

A licence shall not be granted in respect of any premises unless

- (a) the Bailiff is prepared to grant a permit for entertainment on the premises, or has certified in writing that no such permit is required for the purposes for which it is intended that the premises should be used; and
- (b) the Licensing Assembly is satisfied that the premises are structurally adapted and used, or intended to be used, for the purpose of providing entertainment to persons resorting there, whether on payment or otherwise, and where the sale of intoxicating liquor is ancillary to that purpose.

ARTICLE 72

POSTING OF LICENCE AND OTHER PARTICULARS

The holder of a licence shall –

- (a) cause to be painted or fixed, and keep painted or fixed, in some conspicuous place and so as to be easily legible, on or immediately over and on the outer side of the main entrance of the licensed premises, his name in full and the category and description of the licence;
- (b) keep displayed, in some conspicuous place in the interior of the licensed premises near to the main entrance thereof, a copy of the Act of the Licensing Assembly whereby the licence was granted;
- (c) keep displayed, at the exterior and close to each entrance of the licensed premises normally used by the public, and in each room or other place in the premises in which intoxicating liquor is ordinarily served, in a conspicuous

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position where it may be seen by customers, a notice specifying the charges made for the various descriptions of liquor sold according to the measures by which they are sold, and keep every such list displayed at the exterior of the premises illuminated where necessary for it to be easily readable by customers;

- (d) ensure that a charge in excess of the appropriate charge specified in such list is neither demanded nor received;

and, if he fails to do so, he shall, in respect of each offence, be liable to a fine not exceeding three hundred pounds and to a further fine not exceeding five pounds for each day during which the offence continues.

ARTICLE 73

PERMITTED HOURS

- (1) The permitted hours are –

<i>Weekdays</i>	<i>Eve of Good Friday and Christmas Eve</i>	<i>Sunday</i>	<i>Good Friday and Christmas Day</i>
09.00–01.00	09.00–Midnight	11.00–13.00 16.30–23.00	–

- (2) Any public bar shall be closed during the hours that a public bar on premises in respect of which a licence of the fourth category is held are required to be closed by paragraph (2) of Article 53 of this Law:

Provided that where access to a public bar in a cinema or theatre can be gained only from inside the premises, the bar may remain open for the exclusive use only of patrons of the cinema or theatre during the hours specified in sub-paragraph (a) of Article 69 of this Law.

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ARTICLE 74

ENTRY OF PERSONS ON PREMISES

No member of the public shall be permitted to enter or be on the licensed premises on any day before 06.00 hours or after the latest hour of the permitted hours.

PART XI

ENFORCEMENT

ARTICLE 75

DUTY OF CONSTABLES TO KEEP REGISTER

It shall be the duty of the Constable of every parish to keep a register in which shall be entered particulars of every conviction relating to licensed premises situate within the parish (including any offence against the provisions of any law for the time being in force relating to the adulteration of food or drink) and to produce such register to the Licensing Assembly at its ordinary session in the month of December in each year and at such other times as the Assembly may require.

ARTICLE 76

**POWER TO ENTER PREMISES FOR PURPOSE OF
ENFORCING LAW**

(1) It shall be lawful for any police officer at any time to enter any licensed premises within the territorial limits of his jurisdiction and make such enquiries and take such steps as he thinks necessary in order to ensure that the provisions of this Law are being complied with.

(2) It shall be lawful for any police officer to enter any house, building or other place within the territorial limits of his jurisdiction, not being licensed premises, in which he has reason to believe that an offence against this Law is being or has been committed.

ARTICLE 77

PROOF OF SALE OR CONSUMPTION OF INTOXICATING LIQUOR

(1) Evidence that a transaction in the nature of a sale of intoxicating liquor took place shall, in any proceedings relating to an offence under this Law, be evidence of the sale of the liquor without proof that money passed.

(2) Evidence that consumption of intoxicating liquor was about to take place shall in any such proceedings be evidence of the consumption of intoxicating liquor without proof of actual consumption.

(3) Evidence that any person, other than the occupier of licensed premises, or a servant employed in licensed premises, consumed or intended to consume intoxicating liquor in the premises shall be evidence that the liquor was sold by or on behalf of the holder of the licence to that person.

ARTICLE 78

PROOF OF RESIDENCE

In any proceedings under this Law, the proof that a person is resident on any licensed premises shall be on that person.

PART XII

OFFENCES

ARTICLE 79

PENALTY FOR SELLING INTOXICATING LIQUOR WITHOUT LICENCE

(1) Subject to the provisions of this Law, any person who not being the holder of a licence, sells any intoxicating liquor shall be liable—

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- (a) in the case of a first offence, to a fine not exceeding one thousand pounds or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment; and
- (b) in the case of a second or subsequent offence, to a fine or to imprisonment for a term not exceeding one year, or to both such fine and such imprisonment.

(2) Where intoxicating liquor is sold in contravention of this Article on any premises, every occupier of the premises who is proved to have been privy or to have consented to the sale shall be liable to the penalties provided by paragraph (1) of this Article.

(3) On the conviction of any person for an offence under this Article, the Court may declare all intoxicating liquor found in the possession of the person convicted, and the vessels containing the liquor, to be forfeited.

(4) For the purposes of this Article, a person who by way of business stores intoxicating liquor for subsequent delivery within the Island following the placing of an order with that person or with the consignor of the intoxicating liquor or his agent, shall be deemed to sell intoxicating liquor.

ARTICLE 80

PENALTY FOR NON-COMPLIANCE WITH TERMS OF LICENCE

If any holder of a licence, either by himself or by any servant or agent, acts in contravention of or fails to comply with any condition or restriction on or subject to which the licence was granted, or sells intoxicating liquor otherwise than as he is authorized by the licence, he shall be guilty of an offence.

ARTICLE 81

**PENALTY FOR PURCHASE OF INTOXICATING LIQUOR
OUTSIDE HOURS**

If any person purchases, on any licensed premises, any intoxicating liquor outside the hours during which such liquor may under the provisions of this Law be sold to him on those premises, he shall be liable –

- (a) in the case of a first offence, to a fine not exceeding two hundred pounds;
- (b) in the case of a second or subsequent offence, to a fine not exceeding five hundred pounds or to imprisonment for a term not exceeding three months.

ARTICLE 82

**PENALTY FOR REMOVAL OF INTOXICATING LIQUOR SOLD
FOR CONSUMPTION ON LICENSED PREMISES**

If any person takes from any licensed premises intoxicating liquor sold for consumption on the premises, he shall be liable to a fine not exceeding twenty-five pounds.

ARTICLE 83

PENALTY FOR DRUNKENNESS ON LICENSED PREMISES

If any person is found drunk or disorderly on any licensed premises, he shall be liable –

- (a) in the case of a first offence, to a fine not exceeding one hundred pounds; and
- (b) in the case of a second or subsequent offence, to a fine not exceeding two hundred pounds or to imprisonment for a term not exceeding three months.

ARTICLE 84

PENALTY FOR FALSE REPRESENTATION OR STATEMENT

If any person, for any of the purposes of this Law, knowingly makes any statement or gives any information which is false in a material particular, or produces any declaration or certificate knowing the same to be false in a material particular, he shall be liable to a fine not exceeding five hundred pounds or to imprisonment for a term not exceeding one year, or to both such fine and such imprisonment.

ARTICLE 85

GENERAL PENALTY

Any person guilty of an offence against this Law for which no special penalty is provided shall be liable –

- (a) in the case of a first offence, to a fine not exceeding two hundred and fifty pounds; and
- (b) in the case of a second or subsequent offence, to a fine not exceeding five hundred pounds or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

ARTICLE 86

OFFENCES BY SERVANTS AND AGENTS

Where an offence for which the holder of a licence is liable under this Law, has, in fact, been committed by his servant or agent, the servant or agent, as well as the holder of the licence, shall be deemed to be guilty of that offence and shall be liable to be prosecuted and punished accordingly.

ARTICLE 87

FALSE STATEMENTS MADE TO LICENCE HOLDERS

(1) Where proceedings for an offence against this Law are taken against the holder of a licence, he shall not be liable to conviction if he proves that the offence was committed as a result of a false statement having been made to him, or his servant or agent, by some other person, and that there was no good reason to suspect that the statement was false.

(2) If any person, by making a false statement, renders the holder of a licence liable to proceedings for an offence against this Law, he shall, whether or not the holder of the licence is convicted of the offence, be liable to a fine not exceeding one hundred pounds.

ARTICLE 88

ACCESSORIES AND ABETTORS

Any person who knowingly and wilfully aids, abets, counsels, causes, procures or commands the commission of an offence punishable under this Law shall be liable to be dealt with, tried and punished as a principal offender.

PART XIII

MISCELLANEOUS

ARTICLE 89

SPECIAL PERMITS

- (1) The Bailiff may, if in his discretion he thinks fit –
- (a) grant to the holder of an on-licence a special permit authorizing him, on any special occasion, to sell intoxicating liquor by retail for consumption on the licensed premises and to keep the premises open to the

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public during the hours (being hours outside the hours authorized by the licence) specified in the permit;

- (b) grant to the holder of an on-licence a special permit authorizing him, on the occasion of any race meeting, public fête, sporting event, agricultural, horticultural or commercial exhibition or social meeting, to sell intoxicating liquor by retail during the hours and at the place specified in the permit for consumption during those hours and at that place.

(2) Any special permit granted under this Article may be granted subject to such conditions and restrictions as the Bailiff may think fit to impose.

(3) The person to whom a special permit has been granted under this Article shall, before availing himself of such permit, produce the same to the Constable of the parish in which the permit is to be used and, if he fails to do so, he shall be guilty of an offence.

(4) If the person to whom a special permit has been granted under this Article acts in contravention of or fails to comply with any condition or restriction subject to which the permit was granted, he shall be guilty of an offence.

ARTICLE 90

EXEMPTIONS

Nothing in this Law shall make unlawful –

- (a) the sale by a person, for consumption off his premises and in quantities of not less than two litres, of cider manufactured from apples grown by him or manufactured by him from apples grown in the Island;
- (b) the sale of medicines containing alcohol, by medical practitioners, or authorized sellers of poisons within the

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meaning of the Pharmacy, Poisons and Medicines (Jersey) Law, 1952;⁸

- (c) the sale by auction of intoxicating liquor, by an auctioneer established in the Island, so long as the liquor is not the property of the auctioneer and has not been imported into the Island for the purpose of being sold by auction;
- (d) the sale of intoxicating liquor to the holder of a licence of the sixth category by the agent of a person who has no place of business within the Island;
- (e) the sale of intoxicating liquor without a licence in an aircraft or vessel for consumption on board the aircraft or vessel if the aircraft or vessel is employed for the carriage of passengers and is being flown or navigated from a place in the Bailiwick to another place or from and to the same place in the Bailiwick on the same day.

ARTICLE 91

THE AIRPORT AND FORT REGENT

(1) The Licensing Assembly in granting any application for a licence at the Airport or Fort Regent, may attach such conditions as, having regard to all the circumstances of the case seem desirable, including in particular a condition limiting the area in respect of which the licence applies.

(2) In attaching any condition, the Licensing Assembly shall have regard to any recommendations made by either the Harbours and Airport Committee or the Fort Regent Development Committee, as the case may be.

⁸ Tome 1951–1953 page 321, Tome 1954–1956 pages 26 and 215 and Tome 1957–1960 page 389.

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ARTICLE 92

POWER OF STATES TO AMEND LAW

The powers conferred upon the States by the Order in Council of the sixth day of March, 1833,⁹ to amend legislation relating to the conduct of taverners, the sale of wines and liquors and the grant of licences are hereby confirmed and, accordingly, the States may make such amendments to this Law as may from time to time be deemed expedient.

ARTICLE 93

ORDERS

(1) The Committee may make orders prescribing anything which by this Law is to be prescribed.

(2) The Subordinate Legislation (Jersey) Law, 1960¹⁰ shall apply to orders made under this Law.

ARTICLE 94

REPEALS

The enactments specified in the Schedule to this Law are hereby repealed.

ARTICLE 95

SHORT TITLE AND COMMENCEMENT

(1) This Law may be cited as the Licensing (Jersey) Law, 1974.

⁹ Tomes I–III page 60.

¹⁰ Tome 1957–1960 page 519.

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(2) This Law shall come into force on such day or days as the States may by Act appoint and different days may be appointed for different purposes and different provisions of this Law.

*SCHEDULE***REPEALS¹¹****(Article 96)**

Licensing (Jersey) Law, 1950.

Licensing (Jersey) Regulations, 1952.

Licensing (No. 2) (Jersey) Regulations, 1955.

Licensing (No. 3) (Jersey) Regulations, 1959.

Licensing (No. 4) (Jersey) Regulations, 1960.

Licensing (No. 5) (Jersey) Regulations, 1963.

Licensing (No. 6) (Jersey) Regulations, 1965.

Gambling (Gaming and Lotteries) (Jersey) Regulations, 1965–Article 19.

Licensing (No. 7) (Jersey) Regulations, 1967.

Licensing (No. 8) (Jersey) Regulations, 1968.

Licensing (No. 9) (Jersey) Regulations, 1969.

Licensing (No. 10) (Jersey) Regulations, 1970.

Licensing (No. 11) (Jersey) Regulations, 1970.

Licensing (No. 12) (Jersey) Regulations, 1971.

Licensing (No. 13) (Jersey) Regulations, 1971.

¹¹ Tome 1949–1950 page 441, R & O's 3085, 3624, 4058, 4131, 4419, 4635, 4642, 4895, 5174, 5218, 5377, 5392, 5519, 5525, 5729 and 5767.

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Licensing (No. 14) (Jersey) Regulations, 1972.

Licensing (No. 15) (Jersey) Regulations, 1972.

R.S. GRAY

Deputy Greffier of the States.