



Jersey

**PROTECTION OF CHILDREN
(RESTRICTION ON SUPPLY OF GOODS)
(JERSEY) LAW 2009**

Official Consolidated Version

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PROTECTION OF CHILDREN (RESTRICTION ON SUPPLY OF GOODS) (JERSEY) LAW 2009

Contents

Article

1	Interpretation	3
2	Power to make Regulations prohibiting or restricting the supply of certain goods to children	3
3	Compliance with Regulations	3
4	Offences for contravention of Regulations and obstruction	4
5	Parties to offences	5
6	Citation	5

ENDNOTES

6

Table of Legislation History.....	6
Table of Renumbered Provisions	6
Table of Endnote References	6



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PROTECTION OF CHILDREN (RESTRICTION ON SUPPLY OF GOODS) (JERSEY) LAW 2009

A **LAW** to enable the prohibition of or restriction on the supply of certain goods to persons under full age and for connected purposes.

Commencement [[see endnotes](#)]

1 Interpretation

In this Law –

“authorized person” means any person who is a consumer safety inspector within the meaning of the [Consumer Safety \(Jersey\) Law 2006](#);

“prescribed” means prescribed by Regulations.

2 Power to make Regulations prohibiting or restricting the supply of certain goods to children

(1) The States may, in the interests of promoting public health or public safety, make Regulations prohibiting or restricting the supply of such goods as may be prescribed to such persons or categories of persons, being persons under full age, as may be prescribed in such circumstances as may be prescribed.

(2) Regulations under this Article may –

(a) define the meaning of “supply” and different meanings may be given to meet different circumstances or different classes of circumstances; and

(b) contain such incidental, supplemental or transitional provisions as appear to the States to be necessary or expedient.

3 Compliance with Regulations

(1) An authorized person may, for the purpose of ensuring compliance with any Regulations made under this Law, and subject to the production if so required, of evidence of that authorized person’s authority, at any reasonable time enter any premises (other than premises used only as a dwelling) –

- (a) to ascertain whether there has been contravention of any Regulations made under this Law;
 - (b) to make such examination and investigation as may in the circumstances be necessary;
 - (c) to take such photographs and make such recordings as the authorized person considers necessary for the purpose of any examination or investigation;
 - (d) to require the production of, inspect, take copies of, or copies of any entry in, any books or documents which it is necessary for the authorized person to see for the purposes of any examination or investigation by the authorized person;
 - (e) to require any person to afford the authorized person such reasonable facilities and reasonable assistance with respect to any matters or things within that person's control, or in relation to which that person has responsibilities, as are necessary to enable the authorized person to exercise any of the powers conferred on him or her by this Article;
 - (f) to do any other thing which is reasonably necessary or incidental for the purpose of carrying out his or her powers under this Article.¹
- (2) A person who is not an authorized person who purports to act as such for the purposes of this Law is guilty of an offence and liable to imprisonment for a term of 6 months and to a fine of level 3 on the standard scale.²

4 Offences for contravention of Regulations and obstruction

- (1) A person who supplies any goods in contravention of any Regulations made under this Law shall be guilty of an offence and liable to imprisonment for a term of 12 months and to a fine.
- (2) A person who –
- (a) intentionally obstructs any authorized person acting in pursuance of any provision of this Law; or
 - (b) without reasonable cause fails to give any authorized person who is so acting any assistance or information that the authorized person may reasonably require for the purposes of the exercise of his or her functions under this Law,
- is guilty of an offence and liable to imprisonment for a term of 6 months and to a fine of level 3 on the standard scale.³
- (3) A person is guilty of an offence if, in giving any information which is required of the person by virtue of paragraph (2)(b), the person –
- (a) makes any statement that the person knows is false in a material particular; or
 - (b) recklessly makes a statement that is false in a material particular.
- (4) A person guilty of an offence under paragraph (3) is liable to imprisonment for a term of 12 months and to a fine.
- (5) It shall be a defence for a person charged with an offence under paragraph (1) to prove that he or she took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

- (6) If the person charged adduces evidence that is sufficient to raise an issue with respect to the matters to be proved under paragraph (5), the court shall treat the defence as proved unless the prosecution proves beyond reasonable doubt that it is not.

5 Parties to offences

- (1) Where an offence under this Law committed by a limited liability partnership or body corporate is proved to have been committed with the consent or connivance of –
- (a) a person who is a partner of the partnership, or director, manager, secretary or other similar officer of the body corporate; or
 - (b) any person purporting to act in any such capacity,
- the person is also guilty of the offence and liable in the same manner as the partnership or body corporate to the penalty provided for that offence.
- (2) Where the affairs of a body corporate are managed by its members, paragraph (1) shall apply in relation to acts and defaults of a member in connection with the member's functions of management as if he or she were a director of the body corporate.
- (3) A person who aids, abets, counsels or procures the commission of an offence under this Law is also guilty of an offence and liable in the same manner as a principal offender to the penalty provided for that offence.

6 Citation

This Law may be cited as the Protection of Children (Restriction on Supply of Goods) (Jersey) Law 2009.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Protection of Children (Restriction on Supply of Goods) (Jersey) Law 2009	L.25/2009	31 July 2009
Criminal Justice (Miscellaneous Provisions) (Jersey) Law 2016	L.1/2016	20 September 2016 (R&O.98/2016)

Table of Renumbered Provisions

Original	Current
None	

Table of Endnote References

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- ¹ Article 3(1) *editorial change to sub-paragraph (f), “reasonable” deleted, “reasonably” inserted instead*
- ² Article 3(2) *amended by L.1/2016*
- ³ Article 4(2) *amended by L.1/2016*