



Jersey

# **LICENSED PREMISES (EXCLUSION OF CERTAIN PERSONS) (JERSEY) LAW 1998**

## **Official Consolidated Version**

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## LICENSED PREMISES (EXCLUSION OF CERTAIN PERSONS) (JERSEY) LAW 1998

### Contents

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#### Article

1	Interpretation .....	3
2	Exclusion orders.....	3
3	Breach of exclusion order.....	4
4	Notice of exclusion order .....	5
5	Power to refuse admittance to or expel person from licensed premises.....	5
6	Citation .....	5

#### ENDNOTES

**6**

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



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## LICENSED PREMISES (EXCLUSION OF CERTAIN PERSONS) (JERSEY) LAW 1998

A **LAW** to empower the courts to make orders excluding certain categories of convicted persons from licensed premises

Commencement [[see endnotes](#)]

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### 1 Interpretation

In this Law, unless the context requires otherwise –

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

“court” means the Royal Court or the Magistrate’s Court;

“licensed premises” means any licensed premises within the meaning of the [Licensing \(Jersey\) Law 1974](#), in respect of which an on-licence issued under that Law is in force;

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

“police officer” means a member of the Honorary Police or a member of the States of Jersey Police Force;

“specified premises”, in relation to an exclusion order, means –

- (a) any licensed premises which the court may specify by name and address in the order; and
- (b) all licensed premises in respect of which there is a licence of any category which the court may specify in the order.

### 2 Exclusion orders

- (1) Where the court by or before which a person is convicted of an offence is satisfied that, in committing the offence, the person resorted to violence or offered or threatened to resort to violence, and that the person’s consumption of alcohol was a contributory factor in the commission of the offence, the court may, subject to

paragraph (3), make an exclusion order prohibiting the person from entering any specified premises.

- (2) Where a person is convicted of an offence against Article 5 or 8 of the [Misuse of Drugs \(Jersey\) Law 1978](#) committed on licensed premises, the court by or before which the person is convicted may, subject to paragraph (3), make an exclusion order prohibiting the person from entering those and any other specified premises.
- (3) An exclusion order may be made either –
  - (a) in addition to any sentence which is imposed in respect of the offence of which the person is found guilty; 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,but not otherwise.
- (4) An exclusion order shall have effect for such period, being not less than 3 months or more than 2 years, as is specified in the order, unless it is terminated or varied under Article 3(2).
- (5) Where the person convicted of an offence referred to in paragraph (1) or (2) is sentenced to a term of imprisonment for that offence, the court may specify that the exclusion order shall take effect from the day on which the person is released from prison.

### **3 Breach of exclusion order**

- (1) A person who enters any licensed premises in breach of an exclusion order shall be guilty of an offence and liable to a fine not exceeding level 3 on the standard scale or to imprisonment for a term not exceeding 6 months, or to both.
- (2) The court by which a person is convicted of an offence under paragraph (1) may terminate the exclusion order or vary the exclusion order by adding to or deleting any of the specified premises or, subject to paragraph (3), reducing or extending the period for which the order has effect.
- (3) The period for which the order has effect may not be reduced so as to be less than 3 months or extended so as to be more than 2 years.
- (4) A licensee who, either personally or by any servant, permits a person to enter or remain on licensed premises in breach of an exclusion order shall be guilty of an offence and liable to a fine not exceeding level 3 on the standard scale or to imprisonment for a term not exceeding 6 months or to both.
- (5) It shall be a good defence to any proceedings in respect of an offence against paragraph (4) for the licensee to prove that the licensee took all reasonable precautions to prevent the commission of the offence by the licensee or by any servant of the licensee.
- (6) A licensee's servant who knowingly permits a person to enter or remain on licensed premises in breach of an exclusion order shall be guilty of an offence and liable to a fine not exceeding level 3 on the standard scale or to imprisonment for a term not exceeding 6 months or to both.

**4 Notice of exclusion order**

- (1) Upon an exclusion order or an order varying or terminating an exclusion order being made, a copy of the order shall be sent to the Chief Officer by –
  - (a) where the order is made by the Royal Court, the Judicial Greffier; and
  - (b) where the order is made by the Magistrate’s Court, the Magistrate’s Court Greffier.
- (2) Upon receiving a copy of an order pursuant to paragraph (1), the Chief Officer shall notify every licensee of specified premises that the order has been made.

**5 Power to refuse admittance to or expel person from licensed premises**

- (1) Without prejudice to any other right to refuse to admit to, and expel a person from licensed premises, the licensee or the licensee’s servant may refuse to admit to or expel from those premises any person who has entered or whom the licensee reasonably suspects of having entered the premises in breach of an exclusion order.
- (2) Any police officer shall, at the request of the licensee or the licensee’s servant, help to expel from licensed premises any person whom the officer reasonably suspects of having entered in breach of an exclusion order, and may use such force as may be required for the purpose.

**6 Citation**

This Law may be cited as the Licensed Premises (Exclusion of Certain Persons) (Jersey) Law 1998.

## ENDNOTES

### Table of Legislation History

Legislation	Year and Number	Commencement
Licensed Premises (Exclusion of Certain Persons) (Jersey) Law 1998	<a href="#">L.33/1998</a>	20 November 1998

### Table of Renumbered Provisions

Original	Current
1(2), (3), (4)	spent, omitted from this revised edition

### Table of Endnote References

*There are currently no endnote references*