

STATES OF JERSEY



Jersey

DRAFT UNLAWFUL PUBLIC ENTERTAINMENTS (JERSEY) REGULATIONS 202-

**Lodged au Greffe on 26th April 2024
by the Minister for Sustainable Economic Development
Earliest date for debate: 11th June 2024**

STATES GREFFE

REPORT

Background

The [Unlawful Public Entertainments \(Jersey\) Regulations 2022](#) (“the 2022 Regulations”) are triennial Regulations which expire on 20th July 2024. These new draft Unlawful Public Entertainments (Jersey) Regulations 202- (“the draft Regulations”) make the same provision as the 2022 Regulations and will run for 3 years until July 2027.

The primary purpose of this legislation is to establish a framework by which public events in Jersey can be managed in a safe way with a minimum of disruption to the public. In particular, they provide that it is an offence to hold public entertainments without the permission of the Bailiff, and that the Bailiff may grant such permission subject to any conditions that he thinks fit.

Although the legislation rests on the role of the Bailiff, in practice he is supported by a ‘Public Entertainments Panel’, consisting of operational representatives from –

- States of Jersey Police
- Jersey Fire and Rescue Services
- Ambulance Service
- Environmental Health
- Health and Safety Inspectorate

Context

The original set of triennial Regulations were adopted by the Assembly in 1992, primarily to address illegal raves, and they have been remade every 3 years since.

Since this time the management structure outlined above has been developed to underpin the use of these interim powers, which have become a core component of the management of public space. These include:

- Arrangements for the management of public space have been further codified by the [Road Works and Events \(Jersey\) Law 2016](#) which revised powers for highway authorities, and gave the Minister for Transport and Technical Services (now the Minister for Infrastructure) the duty of regulating some events on beaches;
- An amendment ([P.27/2015 Amd.\(7\)](#)) to the Draft Strategic Plan 2015 – 2018 ([P.27/2015](#)), agreeing to “*Delegate authority to the Parish of St. Helier for the licensing of small-scale events within the parish, including in its public squares and precincts, after appropriate consultation with the relevant authorities and subject to all necessary safeguards, risk assessments being in place*”;
- [P.65/2015](#) which agreed in principle that marriage should be allowed to take place in the open air and in public spaces.

Development of new legislation

There has been a longstanding desire to develop an alternative route for the management and approval of entertainments and events in the public domain, including a single, centrally managed register to manage the use of public space.

This would alleviate the potential issues that might arise from the current position, where there are multiple routes to gain temporary rights of usage over public space, with multiple decision-makers who are not bound to communicate with one another.

Work on a revised system of events management was significantly disrupted by the COVID-19 pandemic and as of 2022, no alternative legislative framework had been prepared.

The recently published [Visitor Economy Strategy](#) (VES) identified a need to simplify and streamline the current legislative position and committed to:

“Developing an events strategy and appropriate legislation – We will develop, consult upon and lodge new legislation to establish an effective, proportionate and accessible event and public entertainment licensing regime and to replace the existing Unlawful Public Entertainments (Jersey) Regulations 2007.”.

With the completion of the VES, an Events Sector Development Plan has been drafted by the Department for the Economy that aims to create economic growth, efficiencies and cross-sector alignment through a partnership approach to events sector development.

This will create a regulatory environment that is easier to navigate for organisers and in turn make it easier to attract major sports, cultural and business events.

The Minister for Sustainable Economic Development has also set out the ambition to develop a more joined-up events calendar, encouraging a vibrant and year-round programme of events for Islanders and visitors alike to enjoy.

To achieve this the Government will develop a Strategic Events Programme that will:

1. Secure growth in the Island’s events offer to both residents and prospective visitors to generate a year-round, varied and a high-quality calendar of arts, culture, heritage, sport and leisure events that:
 - a. generate broad, positive community impact and enrich the lives of Island residents
 - b. develop or showcase our Island identity
 - c. Do not overlap, compete or otherwise cancel out each other's aspirations
 - d. attract a sustainable increase in average visitor spend and overall visitor numbers, on both a monthly and per annum basis; and,

2. Reform the existing system of regulating public events to ensure that the revised system:
 - a. is proportionate
 - b. is easy to access and complete
 - c. is administratively efficient and effective
 - d. ensures public safety and minimises the risk of public nuisance both at and in the vicinity of such events.

The Department for the Economy recently hosted an Events Framework Workshop with both internal and external stakeholders to discuss and determine how the above outcomes can be achieved and have agreed to establish the following four key workstreams to:

The extension of these Regulations for a further period of 3 years will provide time for the Development Plan to be actioned and for an events and public entertainment law to be drafted and brought before the Assembly for consideration.

Financial and staffing implications

There are no additional financial or staffing implications for the States arising from the adoption of these draft Regulations. There will be resource requirements required to develop a revised system, but that requirement exists whether or not these Regulations are approved.

Children's Rights Impact Assessment

A Children's Rights Impact Assessment (CRIA) has been prepared in relation to this proposition and is available to read on the States Assembly website.

EXPLANATORY NOTE

The Draft Unlawful Public Entertainments (Jersey) Regulations 202-, if passed, will replace the Unlawful Public Entertainments (Jersey) Regulations 2022 on their expiry, and will expire after 3 years. It will remain an offence to hold a public entertainment without the permission of the Bailiff, or to contravene a condition on that permission.

Regulation 1 re-enacts the offence of holding a public entertainment without the permission of the Bailiff (with a penalty of imprisonment for up to 6 months, an unlimited fine, or both).

Regulation 2 re-enacts the offence of contravening a condition of the permission given (with a penalty of imprisonment for up to 6 months, an unlimited fine, or both). A contravention (which includes a failure to comply) may occur due to circumstances that the organiser of the event cannot control. So for the offence to be proved, it must be shown that the organiser or person concerned, in providing the event, did not take all reasonable precautions to avoid the contravention.

Regulation 3 re-enacts the liability of individuals when the offence is committed by a body corporate, a limited liability partnership or a separate limited partnership.

Regulation 4 re-enacts the statement that the Regulations do not alter any customary law offence.

Regulation 5 make a consequential amendment to the Road Works and Events (Jersey) Law 2016, updating the name of these Regulations.

Regulation 6 names the Regulations and brings them into force on 21st July 2024 (when the current triennial Regulations expire). *Regulation 6* also provides for the Regulations to expire after 3 years.



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Made [date to be inserted]

Coming into force [date to be inserted]

THE STATES make these Regulations under the [Order in Council dated 14th April 1884](#) –

1 Organising an unlawful public entertainment an offence

- (1) A person who organises or is otherwise concerned in providing an unlawful public entertainment commits an offence and is liable to imprisonment for a term of 6 months and to a fine.
- (2) For the purposes of paragraph (1), a public entertainment is unlawful if it is held without the permission of the Bailiff.
- (3) The Bailiff may grant permission for the provision of a public entertainment subject to the conditions the Bailiff thinks fit.

2 Offence of contravening condition of permission

An organiser of, or a person otherwise concerned in providing, a public entertainment commits an offence and is liable to imprisonment for a term of 6 months and to a fine if –

- (a) any condition of the Bailiff's permission for the entertainment is contravened; and
- (b) the organiser of, or person otherwise concerned in providing, the entertainment did not take all reasonable precautions to avoid the contravention.

3 Offences by body corporate, etc.

- (1) In this Regulation –
 - “relevant body” means a limited liability partnership, a separate limited partnership, a limited liability company, an incorporated limited partnership or another body corporate;
 - “relevant offence” means an offence under these Regulations that is committed by a relevant body;
 - “relevant person” means –

- (a) if the relevant offence is committed by a limited liability partnership, a partner of the partnership;
 - (b) if the relevant offence is committed by a separate limited partnership or an incorporated limited partnership –
 - (i) a general partner, or
 - (ii) a limited partner who is participating in the management of the partnership;
 - (c) if the relevant offence is committed by a limited liability company or a body corporate (other than an incorporated limited partnership) –
 - (i) a director, manager, secretary or other similar officer of the body corporate, or
 - (ii) if the affairs of the body corporate are managed by its members, a member who is acting in connection with the member's functions of management; and
 - (d) a person purporting to act in any capacity described in sub-paragraphs (a) to (c) in relation to the relevant body that commits the relevant offence.
- (2) If a relevant offence under Regulation 1 or 2 is proved to have been committed with the consent or connivance of a relevant person, that relevant person is also guilty of the offence and liable in the same manner as the relevant body to the penalty provided for that offence.
- (3) If a relevant offence under Regulation 2 is proved to be attributable to any neglect on the part of a relevant person, that relevant person is also guilty of the offence and liable in the same manner as the relevant body to the penalty provided for the offence.

4 Saving of customary law

Nothing in these Regulations is to be taken as abolishing, modifying or prejudicing any offence against the customary law.

5 Consequential amendment

In Article 49(5) of the [Road Works and Events \(Jersey\) Law 2016](#), for “Unlawful Public Entertainments (Jersey) Regulations 2013” there is substituted “Unlawful Public Entertainments (Jersey) Regulations 202-”.

6 Citation, commencement and expiry

- (1) These Regulations may be cited as the Unlawful Public Entertainments (Jersey) Regulations 202-.
- (2) These Regulations come into force on 21st July 2024 and expire at the end of 20th July 2027.