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# STATES OF JERSEY



## **DRAFT ALCOHOL LICENSING (JERSEY) LAW 202- (P.112/2025): THIRD AMENDMENT (P.112/2025 AMD.(3)) – COMMENTS**

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**Presented to the States on 20th February 2026  
by the Minister for Sustainable Economic Development**

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**STATES GREFFE**

## REPORT

The retention of the Licensing Assembly under the Draft Alcohol Licensing (Jersey) Law 202- was considered at the outset of the policy work but was ultimately decided against for the reasons set out in this Comments Paper.

### Appeals

Firstly, as the Jurats and the Bailiff comprise (in other circumstances) the highest court in Jersey, their role in the Licensing Assembly means that under this Amendment licensing applications would continue to effectively be sent ‘straight to the top’ on first consideration.

This creates difficulties in managing appeals, which should naturally flow to a higher authority for consideration.

While appeals against Licensing Assembly decisions may be subject to judicial review by the Royal Court, members of the industry have raised concerns that this is not appropriate given the membership of both bodies is the same and the Royal Court could therefore be seen to be “marking its own homework”.

### Regulation Directorate would still be required to administer the Law

Returning to the Licensing Assembly as the determining body would not remove the need for the Regulation Directorate to continue their role in administering the Law.

The alternative would be to incur very significant costs in setting up an entirely new application process.

This Amendment therefore adds an unnecessary additional layer in decision making when compared to my Amendment which would allow for decisions to be made by existing experts within the Regulation Directorate.

Noting the appeals point above, I would argue that it would be more appropriate to allow the Bailiff and Jurats to act as an independent Court of Appeal and to adjudicate where applicants feel aggrieved by a decision of the Regulation Directorate.

### Powers should be set by the States Assembly

Perhaps most fundamentally, the Licensing Assembly has accrued to itself powers which are not set out under the existing [Licensing \(Jersey\) Law 1974](#).

Previous judgements made by the Licensing Assembly in 2013 and 2015 have established that, owing to the historic jurisdiction of the Licensing Assembly, and the fact that, at one stage it clearly had executive and legislative powers, the body retains ‘an **inherent jurisdiction** to regulate its own procedure’<sup>1</sup>.

To take one example, the Licensing Assembly has established its power to issue civil fines despite there being no reference within the Licensing (Jersey) Law 1974 to do this.

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<sup>1</sup> See, for example, [AG-v-MFA Licensing Limited 25-Feb-2015](#) paragraphs 39-44 and; [Club \(Dragon\) Limited 9-Apr-2013](#) paragraphs 32-33

This is not to say that the specific use of civil financial penalties is improper. Indeed it may well be that such penalties have been expedient to the enforcement of the Law.

Nevertheless, I believe it is important that the States Assembly has the final say over what powers are exercised in its name and it is not for regulators, be they civil servants or members of the Court, to furnish themselves with additional powers as they see fit.

### **Conclusion**

I recognise the well-meaning approach that Deputy Bailhache has taken in preparing his amendment. Like my own Amendment he has sought to preserve the benefits of the new Law whilst replacing the role previously earmarked for the Gambling Commission.

This notwithstanding, I believe that this Amendment is unnecessary given the ability, and willingness, of the Regulation Directorate to take on responsibility for determining licence applications.

Furthermore, I believe it's important to preserve the separation of the members of the Royal Court from the licensing process to enable them to act as an independent Court of appeal and to ensure that alcohol licensing remains subject to a wholly democratic process, which is difficult to achieve by returning to the Licensing Assembly.

I therefore urge Members to reject this Amendment and instead support the [Draft Alcohol Licensing \(Jersey\) Law 202- \(P.112/2025\): fourth amendment](#).

### **Statement under Standing Order 37A [Presentation of comment relating to a proposition]:**

These comments were submitted to the States Greffe after the noon 20th February deadline, as set out in Standing Order 37A, due to multiple work commitments by the presenting Department.