

Island of



Guernsey

Ordinance of the States

IX
2007

Made.....25th April, 2007

The Control of Intoxicating Liquor (Designated Public Places) Ordinance, 2007

**The Control of Intoxicating Liquor
(Designated Public Places) Ordinance, 2007**

ARRANGEMENT OF SECTIONS

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The Control of Intoxicating Liquor (Designated Public Places) Ordinance, 2007

THE STATES, in pursuance of their Resolution of the 27th October, 2005^a, and in exercise of the powers conferred on them by sections 1 and 3 of the Control of Intoxicating Liquor (Enabling Provisions) (Guernsey) Law, 2006 and all other powers enabling them in that behalf, hereby order:-

Alcohol consumption or possession in designated public places.

1. (1) Any person who consumes intoxicating liquor or has intoxicating liquor in his possession (other than in a sealed container) in a designated public place commits an offence and is liable on summary conviction to a fine not exceeding level 1 on the uniform scale.

(2) Subsection (3) applies if a police officer reasonably believes that a person is, or has been, consuming intoxicating liquor in a designated public place or intends to consume intoxicating liquor in such a place.

(3) The police officer may require the person concerned to surrender anything in his possession which is, or which the police officer reasonably believes to be, intoxicating liquor or a container for such liquor.

(4) Subsection (3) does not apply to intoxicating liquor in a sealed container unless the police officer reasonably believes that the person concerned intends to consume the liquor in a designated public place.

^a Article I of Billet d'État No. XVI of 2005.

(5) A police officer may dispose of anything surrendered to him under subsection (3) in such manner as he considers appropriate.

(6) A person who fails without reasonable excuse to comply with a requirement imposed on him under subsection (3) commits an offence and is liable on summary conviction to a fine not exceeding level 1 on the uniform scale.

(7) A police officer who imposes a requirement on a person under subsection (3) shall inform the person concerned that failing without reasonable excuse to comply with the requirement is an offence.

(8) A police officer may arrest without warrant any person whom he reasonably believes to have committed an offence under this section.

Designated public places.

2. (1) A place is, subject to section 3, a designated public place if it is identified in an order made by the Home Department ("**the Department**") under subsection (2).

However, a place is only a designated public place during the hours and days specified under subsection (3).

(2) The Department may by order identify any public place if it is satisfied that -

(a) nuisance or annoyance to members of the public or a section of the public, or

(b) disorder,

has been or is likely to be associated with the consumption of intoxicating liquor in that place.

(3) An order under subsection (2) shall specify -

(a) the hours of the day, and

(b) the days of the year,

for which the order is to have effect in respect of any place.

Places which are not designated public places.

3. A place is not a designated public place or part of such a place if it is-

(a) licensed premises within the meaning of the Liquor Licensing Ordinance, 2006^b, other than premises to which a general off-licence relates,

(b) a place within the curtilage of such licensed premises,

(c) a place which may be used for the supply of intoxicating liquor or which could have been so used within the last twenty minutes by virtue of an occasional liquor permit within the meaning of the Liquor Licensing Ordinance, 2006, or

^b Ordinance No. V of 2006.

- (d) a place where facilities or activities relating to the sale or consumption of intoxicating liquor are for the time being permitted by virtue of an *al fresco* licence granted under the Public Highways (Temporary Closure) Ordinance, 1999.

Interpretation.

4. (1) In this Ordinance -

"**Department**" means the Home Department,

"**designated public place**" has the meaning given by section 2,

"**intoxicating liquor**" has the meaning given by the Liquor Licensing Ordinance, 2006,

"**police officer**" means a member of the salaried police force of the Island of Guernsey and, within the limits of his jurisdiction, a member of the special constabulary of the Island of Guernsey,

"**public place**" means any place to which the public has access, whether on payment or otherwise,

"**uniform scale**" means the uniform scale of fines for the time being in force under the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989.

- (2) Any reference in this Ordinance to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

Extent.

5. This Ordinance has effect in the islands of Guernsey, Herm and Jethou.

Citation.

6. This Ordinance may be cited as the Control of Intoxicating Liquor (Designated Public Places) Ordinance, 2007.

Commencement.

7. This Ordinance shall come into force on the day of registration of the Control of Intoxicating Liquor (Enabling Provisions) (Guernsey) Law, 2006.