



Attorney General's Guidelines

Parish Hall Enquiry - Minor Public Disorder Offences

This Direction and Guidance is issued by the Attorney General to Centeniers dealing with cases of minor public disorder, when conducting a Parish Hall Enquiry, whether by way of words of advice, administering a caution or by way of the imposition of a fine of up to Level 1 on the standard scale.

It relates to the following situations:

- 1) Article 11 of the Crime (Public Order) (Jersey) Law 2024 (the “**Public Order Law**”) where a person is charged with threatening, abusive or disorderly conduct contrary to Article 5 of that Law;
- 2) An offence of being intoxicated at an aerodrome contrary to Regulation 13 of the Aerodromes (Jersey) Regulations 1965; or
- 3) Any of the customary law offences of being drunk and disorderly, breaching the peace or common assault.

Such cases are likely to differ substantially on their facts on a case-by-case basis. In the event a Centenier is in doubt about the appropriate way to deal with any individual case, legal advice should be sought from the Law Officers' Department before proceeding.

Dealing with offences of public disorder and minor violence at Parish Hall should in all instances be confined to minor cases where the offender accepts the decision of the Centenier to deal with the matter summarily. It is not possible to provide comprehensive guidance which will cover all situations. Anti-social behaviour, whether brought about by excess alcohol or otherwise, which manifests itself in a short-lived and largely spontaneous loss of self-control or disorderliness, but which does not result in injury to another which is committed by a person with no court record of similar conduct in the preceding two years, may properly be dealt with at Parish Hall with anything from words of advice, to a caution, to a summary fine dependent upon seriousness.

It is for the Centenier in such cases to exercise discretion when determining how best to deal with an individual, but Centeniers should nonetheless strive to ensure fairness and consistency across cases. They should not depart from these Guidelines except for compelling reasons.

Written Caution

It is important to follow the standard practice that cautions are recorded in writing so that a record of them will be maintained by the States of Jersey Police. This means that if a person re-offends, the Centenier dealing with the matter will know whether the offender fulfils the criteria set out in this direction.

Factors pointing against a Parish Hall resolution

The following factors, where present, indicate that an offence, whether contrary to Article 5 of the Public Order Law, or being drunk and disorderly, breaching the peace or common assault **should not** – subject to legal advice - be dealt with at the Parish Hall but should be dealt with in Court:

1) Article 5 Public Order Law, Common assault, Breaching the peace

Defendant's record

- a) Where a defendant has a previous conviction for homicide or attempted murder (or equivalent offences in other jurisdictions¹);
- b) Where a defendant has a previous conviction for grave and criminal assault, riot or affray, English equivalent offences: ss18, 20 and 47 of the Offences Against the Person Act 1861, plus riot or affray, or equivalent offending in other jurisdictions) committed in the preceding 10 years;
- c) Where a defendant has a previous court conviction for common assault or minor public disorder in the preceding two years. Where however the Court disposal was a short bind over as the Court considered the offence was a minor one, or where previous conduct was sufficiently minor that it was dealt with at Parish Hall, in the absence of any of the aggravating features listed here, the latest matter may be suitable to be dealt with again at Parish Hall. However, if the earlier conduct was serious enough to warrant a caution any second caution now, if administered, should be accompanied by a warning that any further similar offending will result in prosecution;

Victim-Related Factors

- d) Where a person is injured either directly or indirectly as a consequence of the conduct, unless the injury can properly be considered trivial;
- e) Where the offence is committed against a current or former domestic partner (people are partners if they are/were married/in a civil partnership, or are/were living together as spouses), family member (this includes a parent, child,

¹ It is acknowledged and understood that Centeniers will often not have access to details of previous foreign convictions.

stepparent, stepchild, grandparent, grandchild, sibling, aunt, uncle, niece, nephew or first cousin) or other dependent of the defendant (for example where the defendant is a carer to that person);

Aggravating circumstances

- f) Where a weapon is used, or its use is threatened;
- g) Where the defendant has previously offended aggressively against the same victim;
- h) Where the conduct was pre-planned or pre-meditated as opposed to largely spontaneous;
- i) Where the conduct was racially or ethnically motivated;
- j) Where the offence was motivated by hostility towards the victim based on their disability, sexual orientation or transgender identity;
- k) Where the conduct was deliberately targeted against a person vulnerable to the defendant by virtue of their sex, age, infirmity or physical or mental health;
- l) Where a defendant is found in possession of controlled drugs at the time of the conduct and there is reason to suspect that the conduct may be linked to the consumption of a controlled substance;

Other factors

- m) Where a defendant was one of a group of two or more persons acting in concert with each other for the common purpose of committing an assault or of engaging in threatening, abusive or disorderly conduct or of breaching the peace (distinguish this from two people engaged in an aggressive altercation with each other – both may, in the absence of aggravating features, be capable of being dealt with at Parish Hall for their part in the same incident);
- n) In instances of breaching the peace, where the defendant ignored all directions whether by the police or otherwise to desist or to move on, or who offered aggression or resistance to police officers, fire officers or ambulance staff.

2) Being drunk and disorderly

- a) Where the defendant is habitually drunk and apt to be routinely disorderly in public places such that dealing with the matter at Parish Hall will serve no constructive purpose;
- b) In most instances, being drunk and disorderly – unless the sort of aggravating features listed above for more serious offences are present - will be of sufficiently

minor nature to be dealt with at Parish Hall. Once a caution has been administered for such conduct, then a second offence committed within 12 months of the caution should be dealt with by summary fine. A third offence within an 18 month to 2-year period would tend to indicate that alcohol has become a trigger for offending, which should be addressed through prosecution.

Young People

Centeniers are reminded of the existing Guidance given by the Attorney General which can be read in the [Attorney General's Direction on The conduct of Parish Hall Enquiries](#). In particular, the best interests of the child or young person are a priority in Jersey's youth justice system in which the diversion of the child or young person from the criminal justice system may have a real and positive effect on the child or young person's life. The Parish Hall Enquiry system has a valuable and significant contribution to make in this respect.

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