

**SHOPS: SUNDAY TRADING**

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**Lodged au Greffe on 31st March 1998  
by Deputy A. Breckon of St. Saviour**

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**STATES OF JERSEY**

**STATES GREFFE**

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## PROPOSITION

**THE STATES are asked to decide whether they are of opinion -**

to agree, in principle, that the Shops (Sunday Trading) (Jersey) Law 1960, as amended, be repealed and replaced by a new Law containing, inter alia, provisions to the following effect -

- (a) to enable shops -
  - (i) having retail sales areas of less than 300 square metres to open on a Sunday;
  - (ii) having retail sales areas of 300 square metres or more to open on a Sunday for a maximum of five hours between the hours of 10 a.m. and 5 p.m.,

in accordance with the terms of a trading permit issued by the Connétable of the parish concerned;

- (b) to provide for the charging of permit fees of a variable amount linked to the rateable value of the premises concerned;
- (c) to provide for special conditions to be attached to a permit restricting trade on Good Friday, Easter Sunday, Liberation Day and Christmas Day;
- (d) to except certain transactions from the provisions of the Law;
- (e) to make appropriate provision as to the rights of existing and future employees in relation to Sunday working;
- (f) to provide penalties for non-compliance with the Law or with any condition attached to a trading permit,

and to charge the Legislation Committee to prepare the necessary legislation.

DEPUTY A. BRECKON OF ST. SAVIOUR

## **REPORT**

### **Background**

The Jersey Consumer Council has considered the issue of Sunday trading over the last two years. During this period the Chairman had meetings with the Comité des Connétables, the Tourism Committee and the President and Officers of the Employment and Social Security Committee to discuss the proposed changes and their implications.

Previously, the Policy and Resources Committee, Finance and Economics Committee, the Tourism Committee (who established a Working Party) and the Trade and Industry Sub-Committee have all "examined" the subject of Sunday trading. However, while most agreed that the existing situation was unsatisfactory, none brought forward any proposals to change the existing Law for the States to debate.

After considering every shade of opinion, from total deregulation to closing all shops on Sunday the Jersey Consumer Council has come forward with a set of what they believe are workable proposals and reflect public opinion.

Following consultation with the Law Draftsman advice has been received that, subject to agreement in principle by the States, it is an opportune moment to repeal the Shops (Sunday Trading) (Jersey) law 1960 and replace it with a new Law containing, inter-alia, provisions to the following effect -

### **Proposition details**

Deletion of the list of goods in the existing Second Schedule. This is the problematic part from the point of view of achieving a common sense approach. The Jersey Consumer Council considers that reference to specific items as contained in the Second Schedule whereby some goods may be sold and others not is too prescriptive. many of the items not covered by this Schedule are regularly sold from corner shops every Sunday and therefore the law as it stands is being broken on every Sunday of the year. In the opinion of the Jersey Consumer Council this Schedule should be removed to allow all goods to be sold. For ease of

reference the SECOND SCHEDULE as previously amended is produced below -

**TRANSACTIONS WHICH MAY BE PERMITTED  
BY A SUNDAY TRADING PERMIT**

- (a) foodstuffs and non alcoholic beverages for consumption elsewhere than at the shop at which they are sold;
- (b) Jersey postage stamps;
- (c) smokers requisites;
- (d) beachwear and beach goods;
- (e) medicines, sun lotions, sun glasses and toilet requisites (including perfumery and cosmetics);
- (f) newspapers, books, periodicals and magazines;
- (g) writing materials (including pens, pencils, paper, envelopes and cards);
- (h) toys;
- (i) petroleum spirit, diesel oil, paraffin and liquefied petroleum gas;
- (j) supplies and accessories for motor vehicles, pedal cycles, aircraft and boats (including any other description of vessel used in navigation);
- (k) photographic goods, supplies and accessories, (including blank video tapes)

In 1987 the following were added -

- (l) (i) flowers grown on the holding where they are sold;

- (ii) young plants and cuttings grown on the holding where they are sold;

The following items at the premises where they are made -

- (m) (i) decorative candles and their accessories;
- (ii) hand crafted wooden goods;
- (iii) pottery;
- (iv) hand crafted cork and metal tableware;
- (v) hand crafted leather goods;
- (n) solid fuel.

IT IS PROPOSED THAT THIS LIST IS REMOVED

- (a) (ii) is a proposed new provision which allows all larger shops to open, subject to the issue of a permit by the Connétable and the compliance with the conditions laid out in the proposition and the transactions would not be prescriptive and would be as per normal business, but would be restricted by size of 300 square metres.
- (b) Proposes to increase permit fees but in such a way that more profitable or larger establishments pay commensurably more for a permit.
- (c) Recognises that on certain other days there should be restrictions on trade -
  - 1. The sale of -
    - (a) intoxicating liquors;
    - (b) meals or refreshments for consumption at the shop at which they are sold;

- (c) medicines and medical surgical appliances at any premises registered under Article 13 of the Pharmacy, Poisons and Medicines (Jersey) Law, 1952 (to be updated for P.106 of 1994 Draft Medicines (Jersey) Law 199-)
2. The transaction of -
- (a) post office business;
  - (b) any business carried on on the foreshore under a concession granted by the Tourism Committee;
  - (c) any business within the Port of St. Helier or St. Peter's Airport (an amendment in 1984 added Fort Regent);

The above are self explanatory and it is proposed will remain.

- (e) proposes to give protection to those employees who do not wish to work on a Sunday under the provision of this Law. The functions of the former Industrial Relations Committee have been passed to the Employment and Social Security Committee and referral has been made to the Department.

### **Conclusion**

The Jersey Consumer Council has had some lively debate as to how the Sunday Trading Law should be updated and believes that what is being proposed for the States to debate is a fair and workable compromise.

**There has been general acceptance that the existing Law is outdated and difficult to police and therefore not actively enforced.**

The Jersey Consumer Council believes the proposition in its entirety is a sensible way forward.