

STATES OF JERSEY



SUNDAY TRADING LEGISLATION

**Lodged au Greffe on 1st June 2004
by Senator E.P. Vibert**

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

- (a) to agree that the Shops (Sunday Trading) (Jersey) Law 1961 be repealed and replaced with new legislation which should provide that –
- (i) all retail shops in the Island of any type or size should be permitted to open to sell any legal product between the hours of 6 a.m. and 6 p.m. on a Sunday, except on Christmas Day when it falls on a Sunday, subject to the issuing of an annual permit by the Connétable of the Parish in which the business is situated, which permit shall not be unreasonably refused;
 - (ii) the Connétable should have power to revoke the permit for persistent breaches of any conditions attached to it;
 - (iii) an appeal mechanism should be established to allow any applicant for, or holder of, a permit to appeal against a decision of the Connétable to issue a permit or to revoke a permit;
 - (iv) an annual fee should be paid to the Parish for the permit, in accordance with the following scale based on the square footage of the retail outlet –

up to 500 square feet	£100
500 to 1,000 square feet	£150
1,000 – 2,000 square feet	£250
2,000 – 5,000 square feet	£500
5,000 – 10,000 square feet	£750
over 10,000 square feet	£1,000

with the square footage for garden centres being deemed to be the total areas of their sales area, garden areas and restaurants;

- (b) to agree that the Employment and Social Security Committee should bring forward for approval appropriate amendments to the Employment (Jersey) Law 2003 to provide that no employee shall be dismissed or be denied promotion or other employment benefits as a result of not wishing to work on a Sunday;
- (c) to charge the Legislation Committee, in consultation with the Comité des Connétables to bring forward for approval the necessary legislation to give effect to the proposals in paragraph (a);
- (d) to rescind their Act dated 16th November 1999 in which they agreed, in principle, revised provisions relating to Sunday trading.

SENATOR E.P. VIBERT

NOTE: As required by Standing Order 18C, the following States members also signed the proposition–

1. Deputy T.J. Le Main of St. Helier
2. Deputy G.P. Southern of St. Helier
3. Deputy G.W.J. de Faye of St. Helier

The reason for moving this proposition is set out in the attached report.

REPORT

It was clear to me, and many other members of the House, that the Comité des Connétables, who have been charged with producing a new Sunday Trading Law, are struggling with a timetable to be able to bring meaningful recommendations to the House for at least 6 months. One member of the House suggested that this could even take another year.

The indications by some of the speakers on that Committee were that their recommendations on Sunday trading could result in another hotchpotch of complex sets of rules and regulations, which endeavoured to satisfy the views of a whole range of businesses but pleased no-one.

In my view, the one group of people who have been overwhelmingly ignored in this whole debate is the consumer, i.e. the general public. I have received many representations from my constituents that they want Sunday trading in Jersey liberalised so that the ridiculous situation where some shops of certain sizes can open, others can't, some items can be bought and others are banned, is a half-way house of silliness that brings Jersey into disrepute.

The St. Helier Honorary Police have informed me that they are unable to police the law because of its complications, loopholes and lack of definition.

The recent debate on adding jewellery to the list of items allowed to be sold on Sunday is a case in point. The Attorney General gave an opinion – albeit ‘on the hoof’ – that the purpose of a watch was to tell the time, so it could not be regarded as jewellery. Where does that place a ladies’ necklace with a diamond-encrusted watch as the feature?

And a £23,000 diamond-encrusted Cartier ladies’ evening watch – jewellery or timepiece?

The list goes on and on.

As Jersey’s tourist industry changes its shape and direction, it is clearly essential that Jersey changes its method of doing business. The long weekend is a growing market for tourism, as is the French day trip market, where tourists leave St. Malo and the surrounding area, where the shops are all open, to arrive in Jersey to find St. Helie like a deserted graveyard. No wonder they find it hard to understand the English!!

It is essential that liberalised Sunday trading hours operate under a permit system run by the Parish so that the Connétable can remove a permit from a business that persistently breaks the conditions of the permit, such as deliveries, litter, noise etc. An appeal mechanism will be essential to ensure in both the issuing of a permit or the removal of one.

An essential element will also be in the new Employment Law, which will need a section inserted to ensure that employees are not dismissed or their future affected by a decision not to work on Sundays.

Most tourism centres in the world now operate full Sunday trading and it has been a huge success.

There are no financial or manpower implications arising from this proposition.