

**Lodged au Greffe on 28th March 2000  
by the Industries Committee**

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**STATES OF JERSEY**

**STATES GREFFE**

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P.38 (re-issue)

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**Report**

The responsibility for regulating and administering the public markets rests with the Public Services Committee by virtue of Article 1 of the “Loi (1885 à 1940) touchant l’administration des Marchés Publics” and the “Loi (1885) sur les Marchés Publics (Droits du Vicomte)”.

Administration of the Markets is regulated by the Public Markets (Administration) (Jersey) Regulations 1947 made under the Loi (1885 à 1940). The Regulations require the Committee to appoint an Inspector who “shall cause the gates of the Markets to be opened or closed” at such times as may be determined by the Committee. They also impose requirements in relation to the cleaning of the Markets, the letting of the shops and stalls and rules of conduct by traders and users of the Markets.

Following approval by the States of P.176/99 - INDUSTRIES COMMITTEE: TERMS OF REFERENCE AND TRANSFER OF FUNCTIONS - the Trading Standards function was transferred from the Public Services Committee to the Industries Committee with effect from 14th December 1999. Subsequently, the Public Services Committee agreed that the responsibility for the regulation and administration of the Markets should also be transferred to the Industries Committee.

The Hawkers and Non-Resident Traders (Jersey) Law 1965 provides for the issue of licences to hawkers and non-resident traders by the Finance and Economics Committee. When the functions of the Finance and Economics Committee under the Regulation of Undertakings and Development (Jersey) Law 1973, as amended, were transferred to the Industries Committee with effect from 14th December 1999, the associated transfer of functions under the Hawkers and Non-Resident Traders

(Jersey) Law 1965 was overlooked.

The Finance and Economics Committee has agreed that its functions under the Hawkers and Non-Resident Traders (Jersey) Law 1965 should be transferred to the Industries Committee as the two Laws in question are considered to be complementary.

### **Explanatory Note**

The purpose of this Act is to transfer to the Industries Committee -

- (a) the functions of the Public Services Committee under the “Loi (1885) touchant l’Administration des Marchés Publics”; and
- (b) the functions of the Finance and Economics Committee under the Hawkers and Non-Resident Traders (Jersey) Law 1965.

**States of Jersey Law 1966**

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TRANSFER OF FUNCTIONS (INDUSTRIES COMMITTEE) (JERSEY) ACT 200-

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*(Promulgated on the      day of      2000)*

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**STATES OF JERSEY**

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The      day of      2000

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**THE STATES**, in pursuance of Article 29 of the States of Jersey Law 1966,<sup>[1]</sup> as amended,<sup>[2]</sup> and all other powers enabling them in that behalf, have made the following Act -

**1.** In this Act, “Transferring Committee” means -

- (a) the Public Services Committee; or
- (b) the Finance and Economics Committee,

as the case may be.

**2.** There are transferred to the Industries Committee -

- (a) the functions of the Public Services Committee under the “Loi (1885) touchant l’Administration des Marchés Publics”, as amended,<sup>[3]</sup> and
- (b) the functions of the Finance and Economics Committee under the Hawkers and Non-Resident Traders (Jersey) Law 1965,<sup>[4]</sup> as amended.<sup>[5]</sup>

**3.**(1) In the construction of, and for the purposes of, any enactment, or any judgment, award, contract, certificat or other document passed or made before the coming into force of this Act, anything which is, or is to be construed as, a reference to a Transferring Committee or its officers shall, so far only as may be necessary for and in consequence of the transfer of functions effected by this Act, be construed as a reference to the Industries Committee or its officers.

(2) The transfer of functions effected by this Act shall not prejudice the operation of any appointment, determination, direction, instruction, approval, consent, requirement, authorization or other thing made, given or done by a Transferring Committee in relation to the functions transferred by this Act and before the coming into force thereof, but such matter shall, if then in force, continue in force to the like extent and subject to the like provisions as if it had been duly made, given or done by the Industries Committee.

(3) Anything commenced before the coming into force of this Act by or under the authority of a Transferring Committee may, so far as it relates to any functions transferred by this Act, be carried on and completed by or under the authority of the Industries Committee.

(4) Where at the coming into force of this Act any legal proceeding is pending to which a Transferring Committee is a party and the proceeding has reference to any of the functions transferred by this Act, the Industries Committee shall be substituted in the proceeding for the Transferring Committee, and the proceeding shall not abate by reason of the substitution.

**4.** This Act may be cited as the Transfer of Functions (Industries Committee) (Jersey) Act 200 and shall come into force on the seventeenth day of April 2000.

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<sup>[1]</sup> Recueil des Lois, Volume 1966-1967, page 16.

[2] Recueil des Lois, Volume 1996-1997, page 803.

[3] Recueil des Lois, Tomes IV-VI, page 63.

[4] Recueil des Lois, Volume 1963-1965, page 425.

[5] Recueil des Lois, Volume 1986-1987, page 77 and Nos. 6652, 7351 and 8452.