

2.5 Deputy R.G. Le Hérissier of the Minister for Economic Development regarding procedures to ensure current Sunday trading laws and regulations are applied with consistency:

What procedures, if any, are in place to ensure current Sunday trading laws and regulations are applied with consistency?

Senator A.J.H. Maclean (The Minister for Economic Development):

Can I ask my Assistant Minister to yet again step into the breach? He has been dealing with Sunday trading laws.

The Deputy Bailiff:

He has an interesting portfolio.

The Connétable of St. Clement (Assistant Minister for Economic Development - rapporteur):

Indeed, varied. Sunday trading is currently regulated by the 1960 Sunday Trading Law, which establishes a system under which shops are generally not allowed to trade on a Sunday unless a permit to do so is issued by the Constable of the relevant Parish. As the Constable is solely responsible for the issue and revocation of permits, the Constable is therefore also responsible for the consistent application of the Law within his Parish. There are no provisions in the current law to ensure that consistency is established across Parishes and the Minister for Economic Development is not involved with the granting of permits or the regulation of the Law. However, the Deputy may have heard that a new law has been drafted and hopefully will be lodged in the next few days and, if approved by the States, will not only introduce a new permit scheme to allow the Constables greater flexibility in issuing permits, it will also remove the list of permitted goods and establish the Comité des Connétables as an appeal body. This should remove any current inconsistencies which may exist in the operation of the current Law.

2.5.1 Deputy R.G. Le Hérissier:

Would the Assistant Minister, in his dual role as both a Constable and indeed a person with notional responsibility for the policy, not admit that there are grave discrepancies occurring in the Island and that in some Parishes the rules are applied with literalness and rigidity and in others goods that are apparently forbidden in one Parish are allowed in another? Would he not say that this makes the whole thing farcical?

The Connétable of St. Clement:

I would agree that the current Law is very difficult to administer and even more difficult to police. Certainly, as a Connétable, if I received a complaint of a breach of the Law, clearly it would need to be investigated. I have only been in office for 6 months and so far I have had no such complaints.

2.5.2 The Very Reverend R.F. Key, B.A., The Dean of Jersey:

Will the Assistant Minister undertake, as he guides the new Law through, to look at the protection of those workers in the retail industry who for conscience clauses feel that they cannot work on Sundays and who in other jurisdictions have then been unfairly discriminated against in matters like promotion?

The Connétable of St. Clement:

Yes, absolutely, as far as that is practical. I do not honestly think there is a great appetite for Sunday trading in Jersey among either the public, or indeed the retailers,

but there is an appetite for an improvement in the very difficult and out-of-date Law that we currently have to operate.

2.5.3 Deputy R.G. Le Hérissier:

I am reassured by the Assistant Minister's views on reform, but what advice would he give to someone who believes they are the subject of major inconsistency in the way the Law is applied? What would he suggest that that person or that retailer does - or indeed, a member of the public does - in the circumstance?

The Connétable of St. Clement:

As the Constable of each Parish is responsible for the administration of the current Sunday Trading Law in his or her Parish, any individual who has a complaint about the administration of that Law, I believe, should in the first place address that complaint to the Constable.