

STATES OF JERSEY



SUNDAY TRADING LEGISLATION (P.107/2004): COMMENTS

**Presented to the States on 14th September 2004
by the Connétable of St. Martin**

STATES GREFFE

COMMENTS

The Comité des Connétables has met with Senator E.P. Vibert to discuss his proposition 'Sunday Trading legislation' P.107/2004. The Connétables support the need for a new Law covering Sunday trading to replace the Shops (Sunday Trading) (Jersey) Law 1961. A draft enabling Law has been prepared and will shortly be lodged 'au Greffe'. This draft Law has been prepared following approval by the States of P.137/1999 on 9th November 1999. The detail of the shops permitted to open will be contained in subordinate legislation and, as views may have changed since the debate in 1999, the Connétables agree that the issue of Sunday trading generally should be debated by the States so that the draft Regulations may reflect current views on this subject. The Connétables intend to present an amendment to P.107/2004 setting out an alternative scheme to that previously agreed by the States.

Although P.107/2004 would provide for general Sunday trading it would appear that Senator Vibert has undertaken little consultation with those most likely to be affected by the proposals, including retailer traders and their staff. The Connétables consider that some of the parameters are too restrictive and would comment as follows (paragraph numbers relate to those in the proposition) –

- (a)(i) The proposition would permit general trading on every Sunday, except where Christmas Day falls on a Sunday. The current Law (Shops (Sunday Trading) (Jersey) Law 1961) also limits trading on Good Friday, Liberation Day and Christmas Day as well as on Sundays but, if approved, the proposition would not provide any control on trading on these days.

It is also proposed that all retail shops should be permitted to open between the hours of 6 a.m. and 6 p.m. These time limits do not take into account that a number of garages and food shops currently open until 10 p.m., and some even later, and the lack of availability of such shops will inconvenience visitors and locals alike, particularly those arriving in the Island in the early evening and seeking to purchase essential food items. The Connétables have considered limiting the hours of opening but decided there were practical difficulties in setting precise times for a variety of businesses.

- (a)(iv) The States agreed in November 1999 to provide for the charging of permit fees of a variable amount linked to the retail size area of the premises. If trading is to be liberalised there will be additional costs to be borne by the Parishes, e.g. street-cleaning, traffic wardens, etc. and the permit fee should cover these costs. The Connétables consider that whilst the fees proposed may be applicable, it is restrictive to specify these without undertaking some analysis of the costs likely to be incurred and the appropriate fee that should be charged.
- (b) P.137/1999 did not consider it appropriate to provide employment protection within the Sunday trading legislation. However, if general trading is to be permitted, then the Employment (Jersey) Law 2003 must be amended 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. This will offer some protection for those already in employment but, in practice, new employees are only likely to be offered contracts if they are prepared to work on any day. The Employment (Jersey) Law 2003 does not require a rest day to fall on the weekend and those with family commitments could find that there is no day on which the family can be together. In June 2003 nearly one-sixth of all people employed in Jersey were engaged in wholesale and retail trades (8,220 persons) and so a significant number of people could be adversely affected by generalised trading on a Sunday.

The draft legislation proposed by the Connétables will provide for revocation of a permit in certain circumstances and will set out an appeal mechanism.