

STATES OF JERSEY



DRAFT SHOPS (REGULATION OF OPENING AND DELIVERIES) (JERSEY) LAW 200-

**Lodged au Greffe on 1st July 2009
by the Minister for Economic Development**

STATES GREFFE



Jersey

DRAFT SHOPS (REGULATION OF OPENING AND DELIVERIES) (JERSEY) LAW 200-

European Convention on Human Rights

In accordance with the provisions of Article 16 of the Human Rights (Jersey) Law 2000 the Minister for Economic Development has made the following statement –

In the view of the Minister for Economic Development the provisions of the Draft Shops (Regulation of Opening and Deliveries) (Jersey) Law 200- are compatible with the Convention Rights.

(Signed) **Senator A.J.H. Maclean**

REPORT

Introduction

Sunday trading is currently regulated under the Shops (Sunday Trading) (Jersey) Law 1960. The 1960 Law controls Sunday trading through the issue of permits, which are granted by the Connétable of the Parish in which the business is situated. This Law limits the products which can be traded on a Sunday, Good Friday, Liberation Day and Christmas Day by way of a Schedule.

Controlling the sale of goods by means of a Schedule to the Law has presented a number of challenges. A recent example was the need to bring Regulations to the States to permit the sale of cut flowers, in order to remove the anomaly where such items could be sold on a Sunday at the place where they were grown but not from a garage forecourt or shop. Such rules are difficult to monitor and enforce.

Since the 1960s, there has been a growing demand to review and update the legislation, with the aim of making Regulations governing Sunday opening more straightforward, logical and encompassing.

New Law agreed by the States in 1999

The issue of new legislation was considered by the States on 9th November 1999 (P.137/99), following a proposition by the former Connétable of St. Lawrence, at which time it was voted that a new Law was required.

In April 2005, the Comité des Connétables working with the then Legislation Committee lodged the draft Shops (Regulation of Opening and Deliveries) (Jersey) Law 200- (P.78/2005), and later that year brought forward the Shops (Sunday Trading) (Trial Arrangements) (Jersey) Regulations 200- (P.108/2005). The Trial Arrangements Regulations were rejected by the States in July 2005 and the draft Law was withdrawn without debate in September.

Under the new form of Government, the Legislation Committee ceased to exist and the Economic Development Minister received responsibility for Sunday Trading. Having reviewed the history of the development of the legislation and the events leading to the withdrawal of the trial arrangements, it was decided that there should be further research.

Scope of the Draft Law

The Draft Shops (Regulation of Opening and Deliveries) (Jersey) Law 200- is an enabling Law, which means that much of the precise regulation of Sunday trading will be included in subordinate legislation rather than the Law itself. If this new enabling Law is sanctioned by the States and Privy Council, the Regulations governing this Law will be presented to the States Assembly.

Following the implementation of the new legislation, it is intended that applications will still need to be made to the Connétable of the Parish by businesses wishing to trade on a Sunday, and all businesses will retain the right to remain closed if they wish.

Limitations on Trading

The Law establishes a proscriptive position, in that no business will be allowed to trade on Sunday unless permitted to do so by the Connétable, or unless exempt from the Law (see below).

It is the Connétables' firm view that trading on Sundays, Good Friday, Liberation Day and Christmas Day should be authorised by permit issued by the Connétable of the Parish. This new Law enables the Connétable to impose any conditions considered appropriate, giving consideration to the timing and number of deliveries to the shop, traffic flows, noise and pollution thus enabling activity which causes a disturbance to the neighbourhood to be limited.

Also under this Law, permits can be issued to shops to trade the goods that they normally sell, rather than a selection of government approved items.

Currently, Connétables can only issue a single type of permit, which allows a shop to sell a list of goods every Sunday until 1st January of the next year. There will be more options under the new Law, including provision to allow Connétables to issue temporary or limited permits, including permits to trade on one specific Sunday only. This will offer greater flexibility and some shops which communities would not want to see open every Sunday will be able to trade on only special occasions, such as the week leading up to Christmas.

Sunday, Good Friday, Liberation Day and Christmas Day

The new Law limits the opening of a shop on specified days, Sundays, Good Friday, Liberation Day and Christmas Day. Although 'Sunday Trading' is used as a general term, it should be remembered that the 1960 Law, also treats Good Friday, Liberation Day and Christmas Day as 'Sundays' and limits trading on these days.

There has been a creeping commercialisation of public/bank holidays and the majority of St. Helier shops are now open for example on the May and August bank holidays and many Christmas sales now start on Boxing Day. It was this creeping commercialisation that led to the States adding 'Liberation Day' to the Law in 1999 to ensure that this important day in the Island's calendar was observed as well as Good Friday and Christmas Day.

The pressure from some of the major retailers to permit shops generally to open on Christmas Day has resulted in the United Kingdom government passing a Bill making it illegal for shops over 3,000 square feet (279 sq m) to trade on Christmas Day. This Bill received Royal Assent on 28th October 2004. Unless the nature of specific days is protected, then it is likely that many who work in the wholesale and retail sectors will not have the opportunity, like the rest of the population, to enjoy these as a common day off.

The new Law offers better protection for these three special days, as it will allow Connétables, if they wish, to specify that a shop could trade on Sundays but not on Liberation Day or Christmas Day, for instance. This power is not available under the current Law, which only allows 'all or nothing' permits.

Definition of Shops

There is an anomaly within the current Law concerning businesses that deal in the provisions of services, as opposed to the sale of goods, such as hairdressers, barbers and tanning shops. It would appear that the provision of 'services' does not constitute

the retail sale of goods under the 1960 Law and therefore a number of businesses regarded as ‘shops’ have in the past been able to open without restriction. This has caused difficulties, as the public perception is that such businesses are ‘shops’ and as such, should be covered by Sunday trading legislation.

To avoid ambiguity, the scope of the new Law has been widened to include these businesses. The new draft Law defines a shop as any premises, structure, vehicle or place used, whether permanent or temporary, for any one or more commercial activities which includes the provision of goods and services.

Deliveries

Noise and disturbance caused by deliveries are a regular source of complaints to Connétables, particularly in respect of early morning deliveries on days regarded as a ‘day off’, i.e. Sundays and public holidays. Whilst it is currently possible for a Connétable to place conditions on deliveries to a shop granted a Sunday trading permit, there is no regulation of deliveries on Sundays to shops that are not open. The Connétables considered this to be an anomalous situation and therefore the draft Law provides for the States to introduce a scheme for the regulation of wholesale deliveries to any shops on the days specified in the Law, not just those granted a Sunday trading permit. It is to be hoped that it will not be necessary to introduce further restrictions but it is nevertheless prudent to ensure that action may be taken if required.

Appeals

Currently any appeal against a decision by a Connétable to refuse to grant a permit must be taken to the Royal Court. The new Law permits the Comité des Connétables to consider appeals, and still allows the matter to go to the Royal Court as a final stage if the applicant is still dissatisfied.

Guidance for Connétables

The Law empowers the Comité des Connétables to issue guidance in respect of the granting of permits. This, together with the power of the Comité to consider appeals, will provide a measure of central control to the process, and will help to establish an Island-wide consensus to avoid contrasting policies being applied in different Parishes. At the same time it ensures that the local community is respected by retaining the Parish Connétable as the first point of call.

Exempt Transactions

Under Schedule 1 of the current Law, the following transactions are exempt from a Sunday trading permit, and will continue to be exempt. The Law Draftsman has been requested to carry these exemptions forward into the new subordinate legislation –

- medicines and medical and surgical appliances at the premises registered under article 74 of the Medicines (Jersey) Law 1995;
- post office business;
- any business carried out on the foreshore under a concession granted by the Minister for Economic Development;
- any business within the Port of St. Helier or Jersey Airport.

Jersey Annual Social Survey

During 2006, the States of Jersey Statistics Department published their annual social survey. The aim of the survey is to collate and review detailed information on a wide range of social issues within the Island on an annual basis. The survey is comprised of a set of “core” questions, which are repeated each year, along with a range of specific “focus areas” determined by States of Jersey Departmental needs. Sunday trading formed a focus area of the annual survey during 2006. The social survey received 1540 responses from over 3500 random households.

In conclusion, the survey revealed that eight out of ten people want some relaxation to Sunday trading rules, with half of these favouring restrictions, a third no restrictions and a fifth not wanting any trading. The preferred restriction was a short trading day i.e. from 10 a.m. to 4 p.m. For the full report of the Sunday trading chapter of the Survey please refer to Appendix 1 attached.

Public Consultation

The public consultation was undertaken to give organisations such as the Chamber of Commerce, Churches and the Jersey Hospitality Association the opportunity to comment on the regulation of Sunday Trading, as well as businesses, retailers and members of the public. The consultation was mailed to States Departments, Parishes, external organisations, religious groups, visitor attractions and a wide selection of retailers. An announcement was also published in the Jersey Evening Post inviting responses from members of the public and the consultation documents were available online.

It is important to note that a survey and a consultation will tend not to give similar results, as a self-selecting group of interested parties will be more likely to respond to general consultation, while a structured survey will generate responses from a demographically representative set of respondents.

The aims of the consultation exercise were –

- To identify those most affected by changes to Sunday Trading;
- To identify what changes if any, should be proposed.

The Public Consultation process provided the opportunity for respondents to provide written submissions which enabled a richer picture of views on Sunday trading to be developed than just a structured survey.

The Economic Development Department received 267 responses (in the form of questionnaires as well as written correspondence) in relation to the Public Consultation from both retailers and members of the public as well as interested Island organisations.

The findings which were published in February 2008, reveal that from the 237 who chose to complete the consultation questionnaire, 57% of respondents were in overall favour of Sunday opening, of which 41% supported some form of restriction and 16% favouring complete deregulation. The preferred option was to allow only small shops to open for a limited trading period, for example, between 10 a.m. and 4 p.m.

Those in favour believed it would help with economic growth, improve efficiency, increase competition, offer the consumer more choice and could be an attractive proposition for the tourism industry.

For those against, the most common concerns were based on family issues, employee rights, religious standpoints and pressure on competing businesses to open. In terms of the types of businesses permitted to trade, the least favoured appeared to be gambling, wholesale and supply, services as well as non food outlets.

Of those who were not in favour of Sunday trading, a significant proportion still chose to indicate their preferred restrictions. This may be an indication that the sample in favour of Sunday trading in some form is in fact higher, nearer to 74%. For a full report of the Public Consultation findings, please refer to Appendix 2 attached.

During the Public Consultation, the Department received 39 questionnaire responses from a selection of retail businesses trading in the Island. Following discussions with the Statistics Unit, it was able to provide employee responses for the 39 companies extracted from their JASS findings. In terms of support for Sunday trading, both surveys conveyed the same opinion, which favoured Sunday opening but with restrictions in place.

The views over the remaining restrictions did highlight differences in opinion between the two groups. The employees favoured no time restrictions and small shops only to open on Sundays, while the Annual Survey however, preferred a short day with no size restrictions. In relation to seasonal restrictions, again both surveys displayed similar results, with no seasonal restrictions being the preferred option. For the full report of the JASS comparison against the employee responses please refer to Appendix 1.1 attached.

Jersey Annual Social Survey vs Public Consultation

The findings displayed that there was a clear difference of opinion between the two surveys. The Public Consultation held the highest proportion of those in favour of stricter regulation by some margin.

In terms of the preferred restrictions the consultation found that its respondents favoured small shops only with a short trading day and a preference for no seasonal restrictions. The consultation also highlighted a large marginal difference stipulating people were generally not likely to make use of Sunday shopping facilities.

In contrast, the Jersey Annual Social Survey (JASS) held a more liberal view, with over half of respondents in support of Sunday trading albeit with restrictions. JASS also highlighted that a larger proportion were in favour of no seasonal and no size restrictions, but did support a short day opening time. Over half indicated that they would be prepared to shop on a Sunday in addition to the other days of the week.

Restrictions

The Connétables had sought to balance the needs of residents and tourists to be able to purchase essential items against the disruption and inconvenience which might be caused to residents if shops in the area traded. It was therefore decided that the new draft legislation should be able to control Sunday opening by both the size and nature of the shop and the impact on the surrounding neighbourhood.

Supermarket Postcode Survey

As part of the Public Consultation research, an investigation was conducted to ascertain if public opinion on Sunday trading varied in relation to residential proximity to an area which may be affected by the deregulation of Sunday Trading.

For this purpose a sample of eight supermarkets was identified, ranging both in size and location across the Island. Two radius “zones” were then placed around each supermarket, one at a quarter mile, the other at a half mile. Residential locations within each radius were then identified utilising postcodes with the aid of an external statistical organisation.

Once data from the two post code radiuses had been identified, this information was cross referenced to the Jersey Annual Social Survey (JASS) Sunday trading findings.

For residents who live within both a quarter and half mile of our sample supermarket locations, the data revealed that there was no major differences in opinion on Sunday trading to that of the whole Island population identified in the Jersey Annual Social Survey.

Therefore, it appears that people living near a supermarket are no more concerned about the prospect of it opening on a Sunday than the rest of the population.

Changes to the Draft Law following Consultation

During the Public Consultation period, several issues were identified with the new draft Law.

Services

In the consultation draft the term “services” appeared to be too widely drawn to cover a range of activities that the Law was never intended to capture. It was intended to remove the anomaly where a small shop selling “goods” could not open but for example, a hairdresser’s salon could. It was also not intended that the new Law should bring into its scope service activities that were not covered under the existing Law and which did not have similar characteristics to shops that sell goods.

The definition of services has therefore been narrowed to exclude the provision of services at a place that is not occupied by the person delivering the service, such as at the home of the customer or to a vehicle on a public road.

Permits for Events

The draft Law will cover the activities of car boot sales, fetes, festivals, craft fairs and similar. It would not be practical or desirable for participants in such events to apply for permits on an individual basis. Therefore it is the intention to allow for a Sunday trading permit application to be made by an event organiser which would cover the activities of the whole event, notwithstanding that it may contain independent retailers.

It is intended that the Minister will, after consultation with the Comité des Connétables, be able to designate times around key festivals such as the Fête de Noué and the Battle of Flowers where Sunday trading would be allowed by permit for all shops. Provisions have been included in the Law for the Connétable of a Parish to issue a blanket permit so that shops can trade without each shop having to apply for a licence individually.

Conclusion

Further to the Public Consultation and the Jersey Annual Social Survey the majority of responses indicate that some relaxation in regulation would generally be acceptable. Sunday trading is a complex issue and considerable thought has been given to all the

issues involved during the drafting of this Law and there has been a wide degree of consultation on the subject. It is hoped that the Law will meet with the approval of the States as, without such a framework, it will be impossible to progress a new scheme and there will continue to be considerable dissatisfaction with the current Law.

The Regulations under this enabling Law are intended to be presented to the States after the enabling Law has been approved and Royal Assent granted. The review of the Regulations is currently ongoing and the States will have the opportunity to debate the content following the acceptance of the enabling legislation.

Financial implications

There are no additional financial implications for the States, however the Comité des Connétables has asked to increase the fee for a Sunday trading permit from £15 to £25. The fee was originally set at £15 in 1984 and has not been increased since.

Manpower implications

There are no additional manpower implications for the States associated with adopting this Law.

European Convention on Human Rights

Article 16 of the Human Rights (Jersey) Law 2000 requires the Minister in charge of a Projet de Loi to make a statement about the compatibility of the provisions of the Projet with the Convention rights (as defined by Article 1 of the Law). On 1st July 2009 the Minister for Economic Development made the following statement before Second Reading of this Projet in the States Assembly –

In the view of the Minister for Economic Development the provisions of the Draft Shops (Regulation of Opening and Deliveries) (Jersey) Law 200- are compatible with the Convention Rights.

JERSEY ANNUAL SOCIAL SURVEY: SUNDAY TRADING

Background

The Jersey Annual Social Survey (JASS) was first introduced in 2005. The aim of the survey is to collate and review detailed information on a wide range of social issues within the Island on an annual basis. The survey is comprised of a set of “core” questions, which are repeated each year, along with a range of specific “focus areas” determined by States of Jersey Departmental needs.

Sunday trading formed part of the 2006 survey which targeted over 3500 households at random during July and August 2006. The survey had an excellent response with 43% taking time to complete the forms.

Following the publication of the Jersey Annual Social Survey findings the Economic Development Department were interested in being able to obtain the Sunday trading views from retail company employees. Thus, following discussions with the States of Jersey Statistics Unit, the Department was able to provide Statistics with a list of companies from whom we had received questionnaires during the Public Consultation. The Statistics Unit were then able to cross reference these Companies against the JASS results to provide us with a unique analysis of the views from employees of the retail companies who responded to the Public Consultation. The findings from this research have been reviewed at the end of this section.

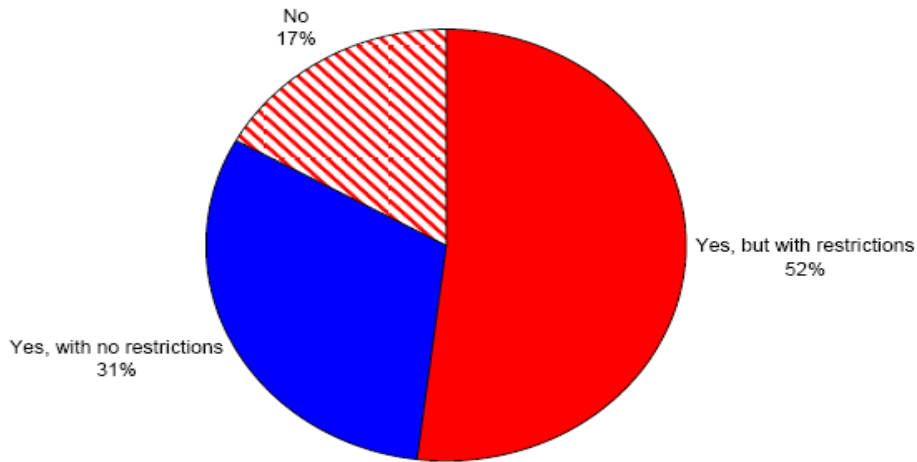
Sample Survey

Due to the nature of sample surveys, there is always an element of statistical uncertainty in looking at changes or differences in the data. This is due to the fact that the data gathered is based on a sample and not the entire population. Thus, in order to measure for any uncertainty in the data, the Statistics Unit implement a standard error formula to allow us to report the confidence levels of the data.

Furthermore, all the results used in the survey have been based on an age weighted response, due to the fact that it is difficult to get young adults to respond to surveys hence they have been weighted in relation to their representation in the overall population.

Findings

Percentage of those in favour of Sunday Trading:



83% of the population stated they were in favour of trading on a Sunday. From these, 52% were in favour of restrictions being in place, leaving 31% preferring complete deregulation. The remaining 17% of the population were not in favour of Sunday Trading.

Demographics

In age terms, this breaks down as follows:

	No	Yes, but with restrictions	Yes, with no restrictions	Total
16-24	19	60	21	100
25-34	13	52	34	100
35-44	15	53	31	100
45-54	15	47	37	100
55-64	17	51	32	100
65-74	23	49	28	100
75+	25	52	23	100
All	17	52	31	100

Of interest here is the 16-24 age group who have the strongest support of restrictions being in place, while the 45-54 age group are most in favour of non restricted trading, leaving the 75+ group having the strongest support for no trading at all.

More males favoured unrestricted Sunday trading than females, 36% to 27%. Whilst a third (33%) of Europeans born outside Jersey or the UK do not favour Sunday trading compared to 19% of Jersey born and 14% born in the UK.

The largest support for Sunday trading was found to be people living in the Parish of Trinity, where 91% are in favour (68% restricted, 23% unrestricted). In contrast, 25% of people living in St. Ouen oppose any Sunday trading although 36% favour it

without restrictions, joint second only to people in Grouville (38%). Of those Parishes identified as most likely to be affected by Sunday Trading, (St. Helier, St. Peter, St. Brelade and St. Saviour) the levels of support are generally in line with the overall Island view.

To expand further into a sector level:

People in work : 85% in favour of change, compared to 80% of people not in work.

People working in hotels, restaurants and bars : 94% are in favour of Sunday trading with 51% not wanting any restrictions.

People working in transport, communications, agriculture and fishing : in strong support with 92% in favour with or without restrictions.

People working in wholesale and retail : 25% oppose Sunday trading whilst 24% support it without restrictions, leaving 51% who favour restrictions.

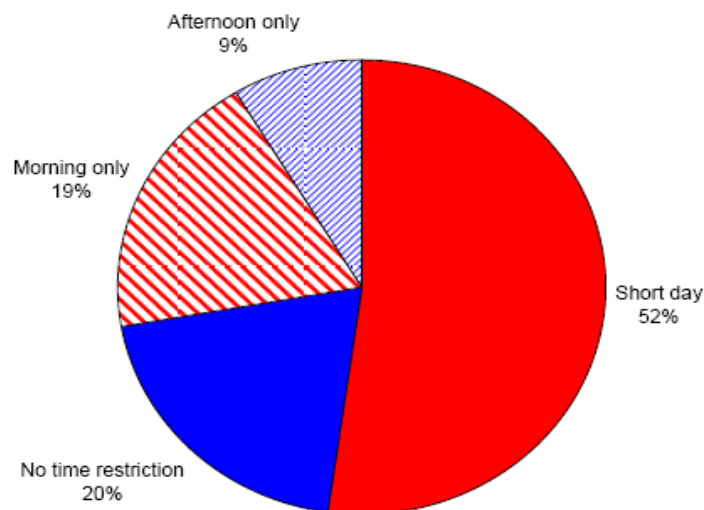
The Strongest opposition came from people who work in electricity, gas, water and manufacturing where 32% oppose any relaxation.

Trade Restrictions

The preferred restriction was a limitation on trading time, supported by 80% of those who favoured restrictions. Of the other main generic restrictions, seasonal restrictions were supported by 44% and size restrictions by 36% of those who favoured trading with restrictions.

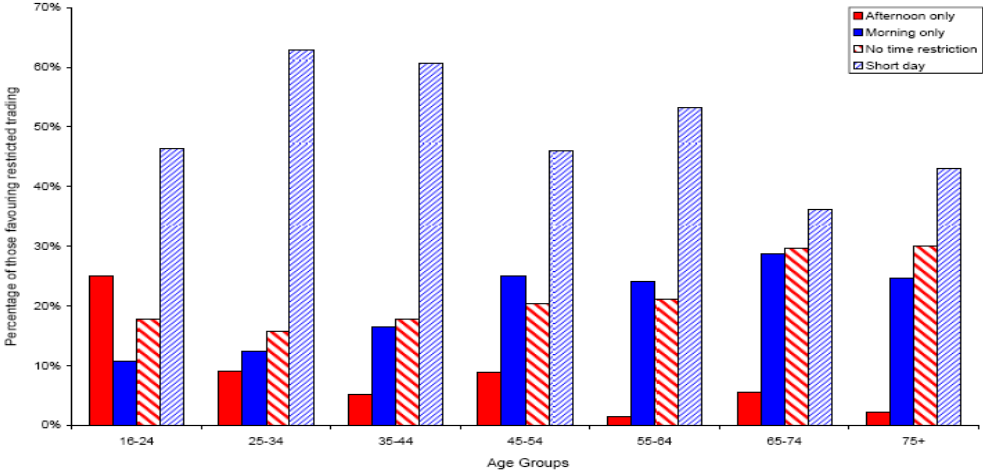
Time Restrictions

Views on different Sunday trading time restriction options (percentage of those wanting restricted Sunday trading):



80% of those who favoured restrictions preferred some form of time constraint (an option supported by 41% of the overall population). This support is greater than complete de-restriction or no Sunday Trading, making this option the preferred overall option for trading on a Sunday. Of those favouring restrictions, slightly more than half (52%), believed it should be a short day e.g. (10 a.m. – 4 p.m.). Around one in five (19%) want Sunday trading to be mornings only, whilst 9% wanted afternoon's only. This left 20% favouring no time restrictions whatsoever.

Views on different Sunday trading time restriction options by age (percentage of those wanting restricted Sunday trading):



A short day was the preferred option across all age groups. Differences in the second preference showed that the youngest group (16-24) preferred to shop in the afternoon and the older age groups looking to shop in the morning.

A quarter (25%) of the 16-24 age group wanted Sunday opening to be afternoons only whereas around the same proportion of those over 45 wanted trading to take place in the morning. Support for no time restrictions to opening hours tended to grow with age, peaking at 30% (of those wanting a restriction) for those over 65 years of age.

In all but two Parishes more than half of people favouring restricted Sunday trading supported a short day. The exception were St. John, where 40% supported a short day but a third (34%) favoured morning only (the most in any Parish) while in St. Ouen, 37% favoured a short day leaving 29% favouring mornings only and a further 30% wanting no time restrictions, the latter being the highest for any Parish.

More people in work supported a short day, 58% favouring restricted trading, while at sector level:

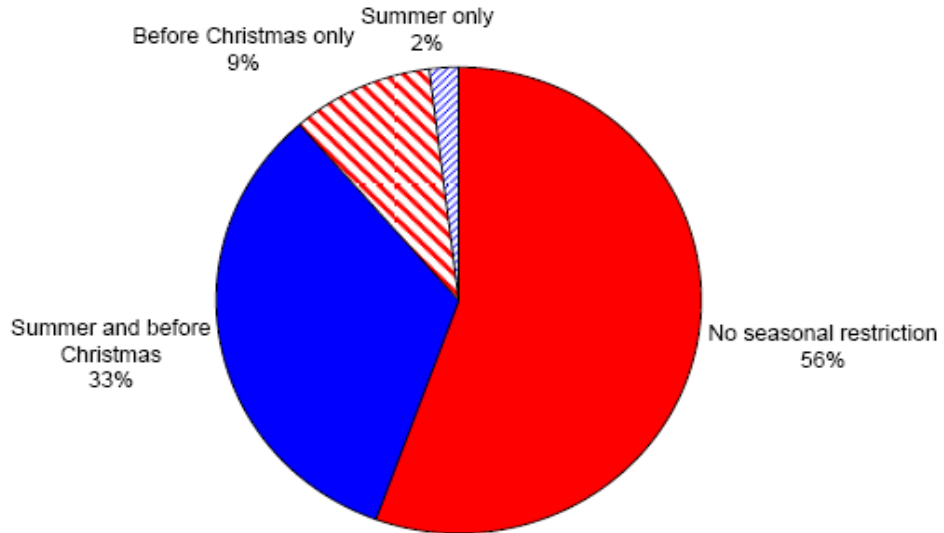
The most support in each sector was for a short day above other restrictions.

Over a third (35%) of those working in hotels, restaurants, bars, transport and communications are in favour of morning only.

Three in five workers (60%), in the Wholesale and retail sector favouring restrictions want a short day.

Seasonal Restrictions

Views on different Sunday trading seasonal restriction options (percentage of those wanting restricted Sunday trading):



Over half (56%) of the population (in favour of restrictions) do not want seasonal restrictions. A third (33%) want Sunday trading in summer and before Christmas only whilst 9% are in favour of Christmas only leaving 2% in favour of summer only.

More than half of people of all ages who want restricted Sunday trading do not want seasonal restrictions except for those aged 75 or over, of whom 43% favour no seasonal restrictions, but nearly the same proportion (41%) favour summer and pre-Christmas only.

Shop Size Restrictions

Views on different Sunday trading shop size restriction options (percentage of those wanting restricted Sunday trading):



Almost two thirds (64%) of the population, who want restrictions, do not want any size restriction for Sunday Trading. Around one in five (21%) would like small and medium shops only open whilst only small and only large shops are wanted by 13% and 2% respectively.

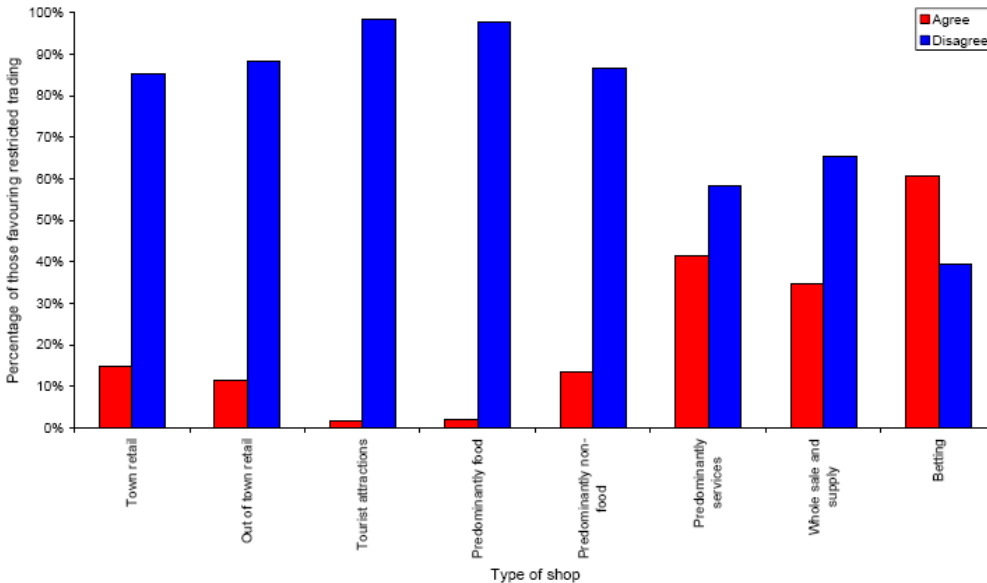
As with seasonal restrictions, more than half of people of all ages (and up to 81% for those aged 25 to 34) who want restricted Sunday trading do not want size restrictions, except for those aged 75 or over. Of this older group a third (32%) favour no size restrictions whilst nearly half (48%) favour small and medium sized shops only. The overall view is essentially repeated across each Parish, with the exception of St. Ouen, where less than half (45%) favour no size restriction, but nearly the same amount (44%) favour small shops only. This latter proportion is twice as large as in the Parish with the next highest support for this option (Trinity 25%) and nearly four times as large as the whole Island view.

No size restriction is also wanted by the majority of the population when broken down by sector:

The percentages range from 82% in Electricity, gas and water to 55% for Wholesale and retail. Wholesale and retail workers have the highest support for small shops only opening (25%) and large shops only (14%) but the lowest support for small and medium sized shops only (6%).

Shop Type Restrictions

Should certain types of trade NOT be permitted on a Sunday (percentage of those wanting restricted Sunday Trading):



Almost everyone who is in favour of Sunday trading with restrictions believes that tourist attractions and predominantly food stores should be allowed to open, with only 2% disagreeing in each case. Between 10% and 15% of people favouring some form of restriction believe that trading should not be allowed respectively in town, out of town or in predominately non-food stores, therefore leaving the majority of the population wanting to be able to shop in these kinds of outlets.

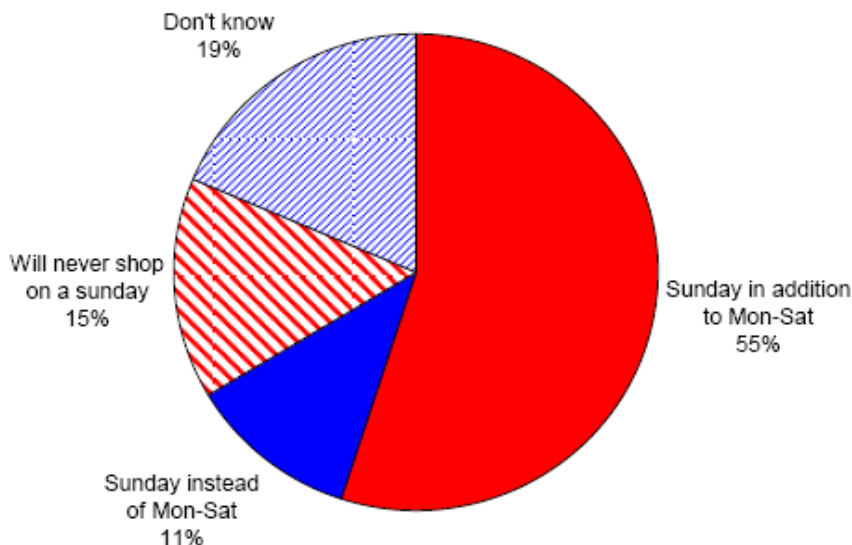
The only form of trading specifically asked about that saw a majority opposition was the opening of betting shops, where 61% of those favouring restricted Sunday trading

did not want them open (combining this with the 17% who oppose any form of Sunday trading shows that nearly half the overall population, 48%, do not want betting shops open on a Sunday).

Just over two in five (42%) do not want services such as dry cleaners and hair dressers to be open, whilst 35% do not want wholesale and supply outlets to trade on a Sunday.

Shopping on a Sunday

What use would be made of Sunday trading if permitted (percentages of whole population) ?:



If Sunday trading were to happen, just over half (55%) of the whole population say they will shop on Sunday in addition to Monday to Saturday, with one in ten (11%) saying Sunday shopping would be in place of shopping on Monday to Saturday. Of the whole population 15% say they will not shop on Sunday whilst nearly one in five (19%) don't know what if any shopping they will do on a Sunday.

Three out of five (60%) of the population who are not in favour of Sunday trading said they would not make use of Sunday shopping if it was permitted, 29% don't know when they would shop, whilst 11% would shop on a Sunday in addition to Monday to Saturday.

People who favour unrestricted Sunday trading will make most use of it, with 71% saying they would shop on a Sunday in addition to other days, 18% said they would shop on a Sunday instead of Monday to Saturday whilst 11% said they didn't know. Only 1% of this group said they would not shop on a Sunday.

For the population who favoured shopping on a Sunday but with restrictions, three in five (61%) said they would shop on a Sunday in addition to Monday to Saturday. A fifth (20%) didn't know when they would shop, whilst 11% would shop on a Sunday instead of Monday to Saturday and 9% would never shop on a Sunday.

APPENDIX 1.1

EMPLOYEES V JERSEY ANNUAL SOCIAL SURVEY – AN ANALYSIS

During the Public Consultation, the Department received 39 questionnaires from a selection of retail businesses trading in the Island. Following discussions with the Statistic Unit, they were able to provide us with employee responses for the 39 companies extracted from their JASS findings. These have been displayed in the tables below: *(Please note FTE is representative of Full Time Employees).*

Are you in favour of Sunday trading ?

	FTE's	JASS
No	16%	17%
Yes, but with restrictions	52%	52%
Yes, with no restrictions	32%	31%

The responses to question 1, revealed virtually identical views on Sunday Trading, the most popular choice being yes to Sunday Trading, but with restrictions.

Should Sunday opening only be allowed in specific seasons ?

	FTE's	JASS
Before Christmas only	12%	9%
No seasonal restrictions	48%	56%
Summer & before Christmas	40%	33%
Summer only	-	2%

In relation to seasonal restrictions, both employees and the overall survey showed similar trends. The preference here being no seasonal restrictions, followed by summer and before Christmas only.

Should Sunday opening only be allowed at specific times ?

	FTE's	JASS
Afternoon only	5%	9%
Morning only	11%	19%
No time restrictions*	64%	20%
Short day*	20%	52%

* This is mainly driven by one company

Differences were identified in terms of opening at specific times. The employee group were in favour of no time restrictions, while the JASS survey showed that the preference was for a short day. The least favoured option in both cases was for afternoon opening only.

Should only certain size shops be allowed to open on Sunday ?

	FTE's	JASS
Large shops only	2%	2%
No size restrictions*	27%	64%
Small & medium shops*	13%	21%
Small shops only*	58%	13%

* This is mainly driven by one company

The issue of size restrictions also revealed some differences in opinion. The JASS results showed that the majority of respondents were in favour of no size restrictions, while the employee group preferred the restriction of only small shops being allowed to open. For both groups, the least preferred option was for large shops to open on Sundays.

Should certain types of trade not be permitted on a Sunday ? (of those wanting restricted Sunday trading agreeing)

	FTE's	JASS
Town retail	9%	15%
Out of town retail	9%	12%
Tourist attractions	0%	2%
Predominantly food	0%	2%
Predominantly non food*	56%	13%
Predominantly services	57%	42%
Wholesale and supply*	72%	35%
Betting	64%	61%
No restrictions*	15%	29%
Other	0%	1%

* This is mainly driven by one company

Some key differences were identified in relation to which trades should not be permitted on Sundays. The employee group held larger proportions against non food, services and wholesale businesses compared to JASS. In terms of non food, the employees held a larger weighting over JASS by 43%, and 37% in terms of wholesale. The JASS figures displayed that there was larger preference over no restrictions on types of trade.

If retailing were permitted on a Sunday, are you generally likely to make use of shopping facilities ?

	FTE's	JASS
Don't know	11%	19%
On a Sunday in addition to Mon – Sat**	30%	55%
On a Sunday instead of Mon – Sat*	25%	11%
Will never shop on a Sunday*	34%	15%

* This is mainly driven by one company

** The largest component is from one company

Error for companies ± 4 percentage points

Max error for JASS ± 3 percentage points

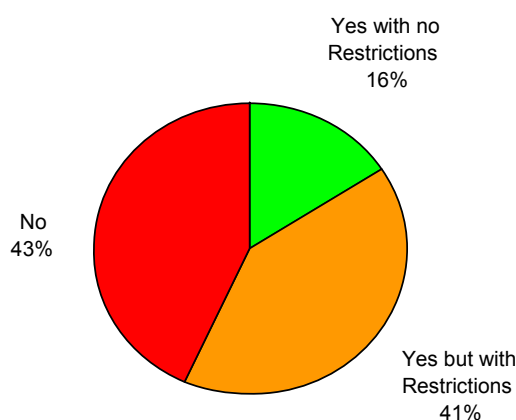
In terms of actually shopping on a Sunday, the two survey groups displayed some differences. A larger weighting of the employees stated that they would never shop on a Sunday, which was 19% more than those in the JASS. However, more than half of the respondents to the JASS stipulated that they would shop on a Sunday in addition to Monday to Saturday, 25% more than the employees.

For further information on the Jersey Annual Social Survey, please refer to the following Internet link : www.gov.je/ChiefMinister/Statistics/Households/JASS.html

REVIEW : PUBLIC CONSULTATION

Introduction

During the first half of 2007, The Economic Development Department conducted a Public Consultation into Sunday Trading. Almost 270 responses (comprised of both questionnaires replies and general correspondence) were received during the consultation period. The consultation questionnaire comprised of several multiple choice questions, as well as a “your views” section to allow for comments and points of view. The findings from the 237 who completed questionnaires were as follows:

Question 1: Are you in favour of Sunday Trading?

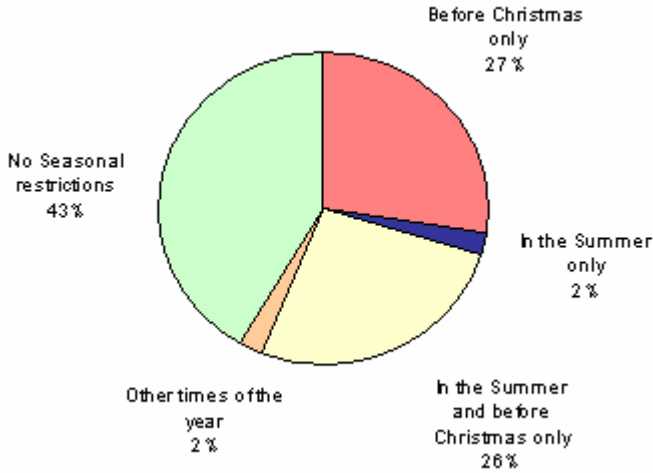
Over half of respondents (57%) were in favour of Sunday Trading. From these 41% were in favour of restrictions, leaving 16% favouring complete deregulation. The remaining 43% of respondents were not in favour of Sunday opening. From the 43% who said no to Sunday Trading, 77% then went on to identify possible restrictions. There are two interpretations arising from this –

1. Respondents electing for no Sunday trading may have gone on to indicate what restrictions would be preferred should Sunday trading be permitted.
2. On progressing through the survey, respondents may have realised that they wanted some shops to open and filled in the restrictions section accordingly.

On the basis of the above assumptions, it is necessary to consider how the results would look if the “no but with restrictions” response are reallocated to the “yes with restrictions” section. Under these circumstances the results would be 74% for yes with restrictions, 16% for yes with no restrictions and 10% who indicated no. In relation to the replies for the specific restrictions, these remain generally unchanged, with the same order of preference as stipulated in the responses below.

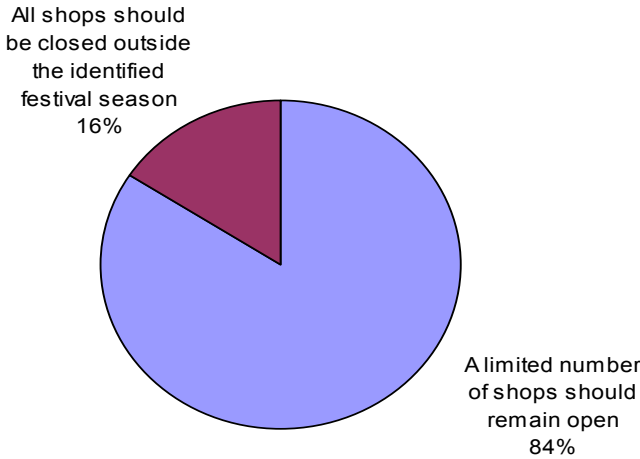
This would tend to be supported by the Jersey Annual Social Survey 2006 (chapter 2), which indicated that a majority proportion of the population were in favour of Sunday trading with some form of restriction.

Question 2a: Should Sunday opening be allowed only in specific seasons?
 (Note : All data from question 2 to question 5 relate to replies : yes but with restrictions only).



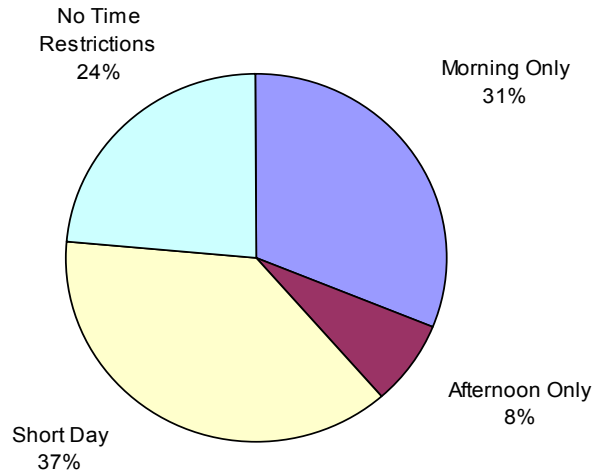
43% of respondents did not favour any seasonal restrictions leaving 57% in favour of some form of restriction. The most favoured restrictions were before Christmas only and in the summer and before Christmas only, accounting for 27% and 26% respectively. Just 2% were in favour of summer only, while 2% chose other times of the year.

Question 2b: If Sunday opening applies to specific seasons only, what should happen outside this season?



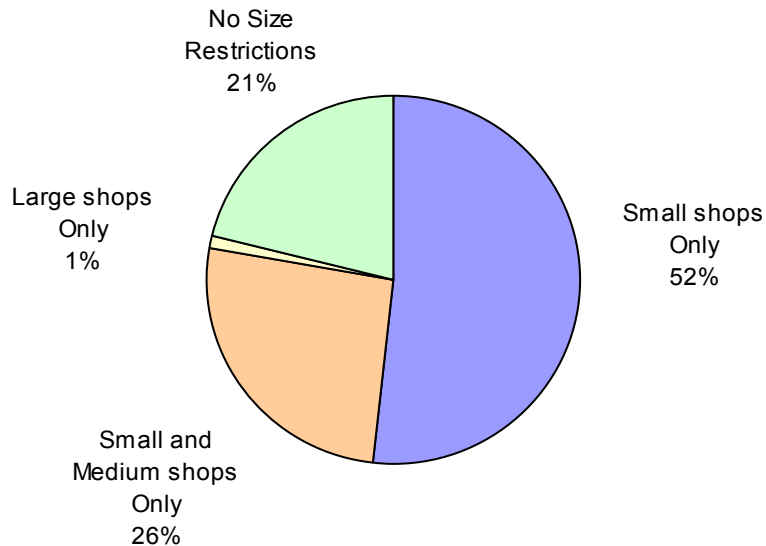
84% of respondents valued some Sunday trading outside of any imposed seasonal restrictions. This left 16% feeling that shops should be closed outside the identified festival season.

Question 3: Should Sunday opening be allowed only at specific times?



Just less than a quarter (24%) were in favour of no time restrictions on a Sunday. 76% however, were in favour of a short day of some form, 37% opting for a short day, i.e. the hours of 10 a.m. till 4 p.m., while 31% and 8% preferred mornings only and afternoons only respectively.

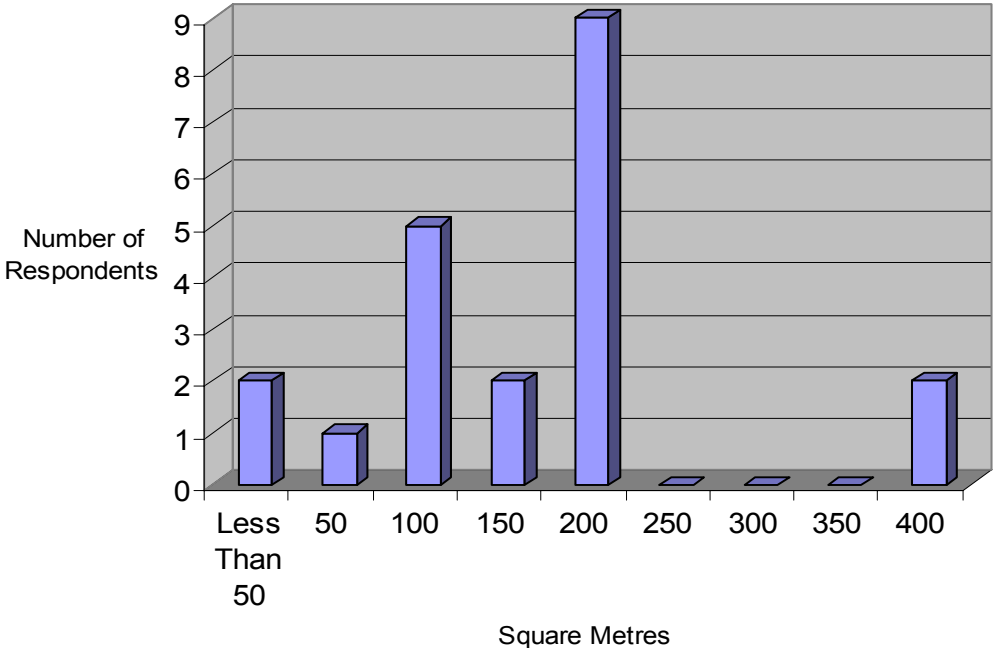
Question 4: Should only certain size shops be allowed to open on Sunday?



79% of respondents were in favour of restricting the size of shops allowed to open on Sundays. Just over half 52%, were in favour of small shops only, while 26% preferred

small and medium sizes and 1% large sizes shops only. The remaining 21% represented the proportion in favour of no size restrictions whatsoever.

Question 4: View on the maximum size you consider to be acceptable for shops opening on a Sunday?



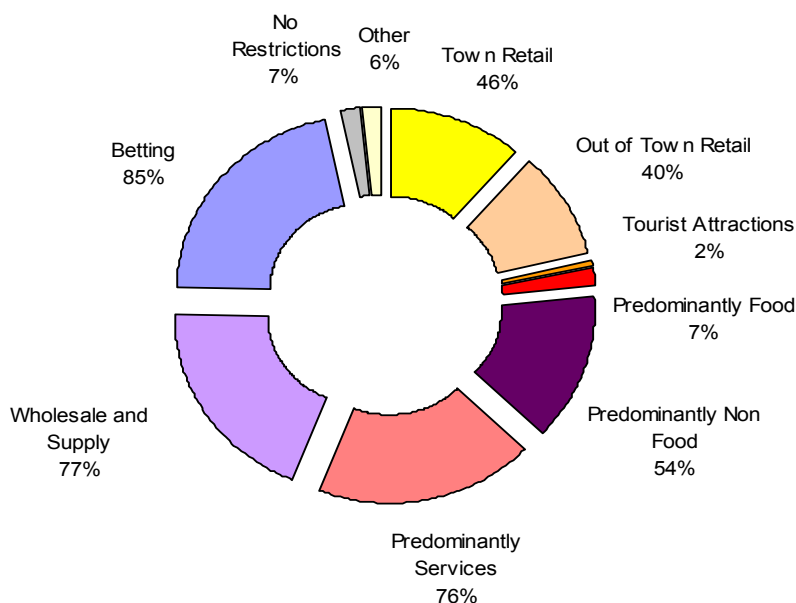
In reply to the question on acceptable size, there were very few respondents, just 22% who actually indicated a maximum area they believed acceptable. As both square feet and square metres were indicated, for the purpose of this report and to simplify the findings all responses have been recorded metrically and rounded to the nearest 50 square metre increment.

The data clearly shows an overwhelming preference for 200 square metres as the maximum floor space. However, it should be noted that this size was referred to in the Public Consultation as being the proposed maximum size. Thus, this will have a certain degree of “influence” over the responses with respondents having this size in mind while completing the questionnaire.

Furthermore, several of the replies to this question had additional notes which indicated difficulties in being able to “gauge” how big 200 square metres was, which possibly contributed to the few number of overall replies to the question.

Question 5: Should certain types of trade NOT be permitted on a Sunday?

Please note that because question 5 held the option of multiple answers, the allocations below are expressed as percentages of those wanting restricted Sunday Trading, i.e. of the 41%, as opposed to percentages of the total replies to each question.

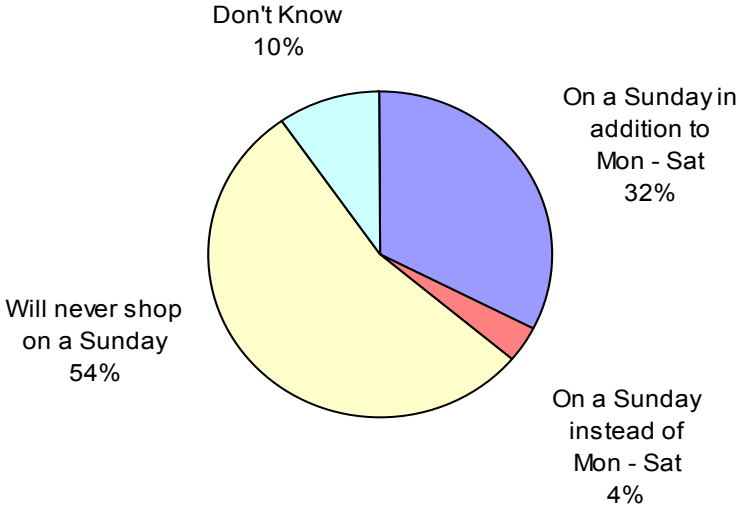


85% of all respondents believed that betting should not be allowed on Sunday. It should be noted however that the business of betting on Sundays is illegal and is encompassed with the Gambling (Betting) (Jersey) Regulations 1965.

Both wholesale and supply followed by services (i.e. hair dressers, clothes repairers, dry cleaners etc.) were the second and third least favoured trades on Sundays, with 77% & 76% respectively. 54% selected non food, while town and out of town retail accounted for 46% and 40% respectively. At the other end of the scale the trades least favoured for restrictions were food with 7%, other with 6% and tourist attractions with 2%. 7% of respondents opted for no restrictions. (Please note that in conjunction with JASS, for respondents who selected trades which should not be allowed as well as no restrictions, it was trades not allowed that were counted and not no restrictions).

Question 6: If retailing were permitted on a Sunday, are you generally likely to make use of shopping facilities?

(Note : Question 6 is representative of all questionnaire respondents).



If Sunday retailing were to be permitted, over half of the respondents (54%) indicated they would never shop on Sunday. Of those who would be willing to shop, 32% would do so in addition to Monday to Saturday, while 4% would prefer to Shop on Sunday instead of Monday to Saturday. The remaining 10% indicated that they did not know if they would make use of Sunday shopping facilities.

The “your views” section of the questionnaire revealed that the most common concerns with Sunday trading were around family issues, the effects on employees and the ability to practice one’s religion. Overall, those commenting felt that Sunday trading would have a negative impact on family life. This would manifest by splitting up family members through having to work, thus reducing family time together. Children could also be affected especially those in a single parent environment.

In relation to the effect on employees, the concerns focused on the issue of staff being “pressurised” into having to work Sundays. There were strong feelings that those who did refuse, could risk losing their jobs or be overlooked in terms of promotion or other benefits. Another area of concern was the lack of employee protection and legislation, which should provide for the rights of employees.

Comments in relation to practicing one’s faith focused on Sunday trading detracting from the historical and traditional values that Sunday had always been associated with. Essentially Sunday was viewed as being a “day of rest” and having to work would have the affect of reducing Church attendance and as some stated being against the teachings of the Bible.

From the organisations and companies which chose to respond to the consultation, the responses covered views both in favour or restrictions and deregulation. The support for deregulation was based upon economic growth, improved efficiency, increased

competition, more consumer choice, increased sales, investment, employment and could help the tourism industry.

Those who favoured restrictions believed this approach would be in the best interest of the Island and this would have the advantage of helping to protect small businesses. The favoured restriction was to regulate by size of shop as opposed to location or product. Several preferred size limits were stipulated with the maximum of these being 475 square metres.

The respondents who opposed trading felt that Sundays should be different, a day of rest and time to spend with family and friends. Several businesses believed that they would feel pressurised by competitors to open on Sundays. Most however agreed that existing shops who do open on Sundays should remain open.

Assistant Ministers Response to Consultation

“The present Sunday trading legislation has now been in place for a significant number of years and has certain recognised deficiencies. Over that time it is possible that attitudes have changed and therefore it was appropriate to carry out this consultation exercise. The results indicate that some relaxation would generally be welcomed, but that total deregulation is not desired by the majority. These views will be taken into account in developing the draft law which will be presented to the States in 2008”.

Explanatory Note

This draft Law enables the States, by making Regulations, to provide for and control the opening of shops, and wholesale deliveries to shops, on Sundays and on Good Friday, Christmas Day and Liberation Day.

Article 1 is the interpretation provision.

What is a shop?

Paragraphs (1) and (2) describe what constitutes a shop for the purposes of the draft Law. A shop is any premises (the ordinary meaning of which is ‘land and buildings’), any structure (such as a stall or tent) or any vehicle or any place (such as a field) used for the retail sale or hire of goods (including their display and delivery), or for the provision of services (such as those of hairdressers, clothes repairers and beauty salons), or for the provision of goods for use at the shop (such as tanning shops in which tanning beds are used by customers).

However, *paragraph (3)* provides that a person is not to be taken as opening a “shop” by reason only of providing services to a customer away from his or her place of business (for instance at the customer’s home or to a vehicle on a public road).

Who is the occupier of a shop?

Paragraphs (4) and (5) describe who is the occupier of a shop. The occupier is the person carrying on the retail sale or hire of goods or the provision of goods or services. But, in the case of a market, fair, fête or similar event (such as a car boot sale), the organizer is the occupier for the purposes of the draft Law.

When is a shop open?

Paragraph (6) states that, for the purposes of the draft Law, a shop is open at any time when members of the public have access to the shop in order to view displayed goods or buy or hire goods or in order to use services provided, or goods provided for use, at the shop.

Article 2 makes it an offence, liable to an unlimited fine, to open a shop on Sundays, Good Friday, Christmas Day or Liberation Day unless the shop is exempt from the Law or a permit has been granted authorizing its opening. The occupier is always liable for the offence. Paragraph (3) extends liability to the shop manager and any other agent or servant of the occupier who opens the shop in contravention of the draft Law. Paragraphs (4) and (5) extend liability to a stallholder at a market, fair, fête or similar event, and to the stallholder’s manager or other agent or servant, if the person has sold goods or provided services in contravention of the draft Law.

Article 3 makes it clear that the Law does not apply to a person carrying on business as a licensed hawkker. It also enables the States to make Regulations exempting shops from the prohibition on opening. Any exemption may be made subject to restrictions and conditions and, by virtue of Article 11(4) of the Interpretation (Jersey) Law 1954, different exemptions, restrictions and conditions can be imposed in different cases.

Article 4 enables the States to make Regulations empowering a Connétable to grant permits authorizing the opening of shops within his or her parish on Sundays, Good Friday, Christmas Day and Liberation Day.

It also enables the States to make Regulations –

- (a) empowering the Minister for Economic Development, by Order and after first consulting the Comité des Connétables, to designate any such day as a special occasion (for example, the Fête de Noué), and
- (b) empowering a Connétable to grant blanket permits for any shop within his or her parish to open on that special occasion without having to apply to the Connétable.

The Regulations could specify matters that must be taken into consideration in granting any permit, and conditions that must or may be imposed when a permit is granted. They could distinguish between different kinds of shops according to their nature and size and the effect of their opening on a neighbourhood. The Regulations might also provide either for a shop to be permitted to open every Sunday, Good Friday, Christmas Day and Liberation Day, or for permission to open to be limited to a particular day or days or to be limited to a maximum number of days in any one year.

Article 5 enables the States to make Regulations prohibiting, restricting or regulating the making of wholesale deliveries to shops on Sundays, Good Friday, Christmas Day and Liberation Day. The power to make such Regulations is not limited to shops that have permits to open.

Article 6 makes it an offence to provide false information for the purpose of obtaining a permit.

Article 7 empowers the Connétable or a Centenier to deal with an offence under the draft Law at the parish hall (other than the offence of providing false information) and to impose a fine not exceeding level 1 on the standard scale.

Article 8 makes the standard provision for the liability of officers or partners where an offence is committed by a body corporate or partnership.

Article 9 has the effect that any provision of a shop lease that would require the occupier to open in contravention of the draft Law is void.

Article 10 enables the States to make Regulations containing arrangements for the transition from the Shops (Sunday Trading) (Jersey) Law 1960 to this draft Law and the Regulations made under it.

Article 11 gives effect to the *Schedule*, which repeals the Shops (Sunday Trading) (Jersey) Law 1960 and makes consequential amendments to other enactments.

The Hawkers and Non-Resident Traders (Jersey) Law 1956 is amended with the effect that a licensed hawker may not carry on the business of hawking on Liberation Day. (Hawking on Sundays, Good Friday and Christmas Day is already prohibited, save that milk and ice-cream may be hawked on Sundays.) The Licensing (Jersey) Law 1974 is amended with the effect that an off-licence may only open on Liberation Day if a permit has been granted under this draft Law. (Opening on Sundays, Good Friday and Christmas Day without a permit is already prohibited.)

Article 12 cites the short title of the draft Law and provides for it to come into force on a day or days appointed by Act of the States.

Under the Criminal Justice (Standard Scale of Fines) (Jersey) Law 1993, level 1 is £50, level 2 is £500, level 3 is £2,000 and level 4 is £5,000.



Jersey

DRAFT SHOPS (REGULATION OF OPENING AND DELIVERIES) (JERSEY) LAW 200-

Arrangement

Article

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3	Application of Law and exemptions	4
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10	Transitional arrangements and savings	4
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SCHEDULE **4**

CONSEQUENTIAL AMENDMENTS AND REPEALS 4

PART 1 4

CONSEQUENTIAL AMENDMENTS 4

1	Hawkers and Non-Resident Traders (Jersey) Law 1965 amended	4
2	Licensing (Jersey) Law 1974 amended	4

PART 2 4

REPEALS 4



Jersey

DRAFT SHOPS (REGULATION OF OPENING AND DELIVERIES) (JERSEY) LAW 200-

A LAW to regulate, on certain days, the sale or hire of goods, the provision of services and the provision of goods for use, and the making of wholesale deliveries.

Adopted by the States [date to be inserted]

Sanctioned by Order of Her Majesty in Council [date to be inserted]

Registered by the Royal Court [date to be inserted]

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

1 Interpretation

- (1) In this Law, unless the context otherwise requires –
 - “Minister” means the Minister for Economic Development;
 - “place” means any premises, structure or other place;
 - “sale” includes sale by auction;
 - “shop” means any place or vehicle used, whether permanently or temporarily, for any one or more commercial activities.
- (2) For the purposes of this Law, any reference to a commercial activity shall be construed as –
 - (a) the retail sale or hire of goods, including –
 - (i) the offer, exposure or display of goods for such sale or hire, or
 - (ii) the despatch of goods from any place or vehicle and the delivery of the goods so despatched as if those goods had been sold at or hired from that place or vehicle at the time of the despatch or delivery;

- (b) the provision, in the course of a trade or business, of services at any place or vehicle; or
 - (c) the provision, in the course of a trade or business, of goods for use at any place or vehicle.
- (3) However, if a commercial activity is the provision of a service at a place that is not occupied by the person who is carrying on that activity (for example, if it is a service provided at the home of the customer, or to a vehicle on a public road), the place is not a shop by reason of its use for that activity.
- (4) Subject to paragraph (5), for the purposes of this Law in its application to a shop other than a vehicle, a reference to the occupier of the shop shall be construed as a reference to the person carrying on the commercial activity.
- (5) For the purposes of this Law in its application to a shop that is a place being used temporarily for the holding of a market, fair or fête or like event at which vehicles or stalls or other temporary structures, or any part of the place, are used for one or more commercial activities, a reference to the occupier of the shop shall be construed as a reference to the organizer of the market, fair or fête or like event.
- (6) For the purposes of this Law, a shop is open at any time when members of the public or any class of members of the public have access to it for the purposes of one or more commercial activities.

2 Opening on specified days prohibited

- (1) A shop shall not be open on any Sunday, Good Friday, Christmas Day or Liberation Day, except in accordance with and pursuant to –
- (a) an exemption under Article 3(2); or
 - (b) a permit granted under Article 4.
- (2) Where a shop is open in contravention of paragraph (1), the occupier of the shop shall be guilty of an offence and liable to a fine.
- (3) Where a person who is the occupier of a shop is liable under paragraph (2) by reason of an act done by a person who is the manager of the shop or any other agent or servant of the occupier of the shop, the manager or other agent or servant, as well as the occupier, shall be guilty of the offence.
- (4) Where a person who is the occupier of a shop by virtue of Article 1(5) is liable under paragraph (2) by reason of an act done by another person carrying on a commercial activity at the market, fair or fête or like event, that other person, as well as the occupier, shall be guilty of the offence.
- (5) Where a person who is the occupier of a shop by virtue of Article 1(5) is liable under paragraph (2) by reason of an act done by a manager, agent or servant of a person carrying on any commercial activity at the market, fair or fête or like event, the manager, agent or servant, as well as the occupier, shall be guilty of the offence.

3 Application of Law and exemptions

- (1) This Law shall not apply to a person carrying on business as a hawker pursuant to a hawker's licence granted under the Hawkers and Non-Resident Traders (Jersey) Law 1965¹.
- (2) The States may by Regulations exempt from Article 2(1) shops of a specified description, either with or without restrictions and conditions.

4 Permits

- (1) The States may by Regulations establish a scheme for the grant by a Connétable, within his or her own parish, of permits authorizing the opening of shops in the parish on any Sunday, Good Friday, Christmas Day or Liberation Day.
- (2) Regulations made under paragraph (1) may include provision empowering the Minister by Order, after consulting the Comité des Connétables, to designate special occasions (for example, for an event such as the Fête de Noué) for the purposes of this Law.
- (3) Regulations made under paragraph (1) may include provision –
 - (a) for the procedure to be followed in relation to applications for permits;
 - (b) for the matters to be taken into consideration in determining whether to grant permits;
 - (c) for the day or days on which shops are authorized to open pursuant to permits;
 - (d) for the grant of blanket permits authorizing the opening of shops on the special occasions designated by the Minister under subparagraph (2) (without the need to apply for permits);
 - (e) for the duration of permits;
 - (f) for conditions that shall apply in respect of permits, or that Connétables may impose in granting permits, including (but not by way of limitation) conditions restricting the days and times at which shops may open, and conditions regulating wholesale deliveries to shops on the days on which they are authorized to open pursuant to permits;
 - (g) prescribing fees in respect of applications for and the grant of permits, and empowering Connétables to refuse to consider applications for permits, or to refuse to grant permits, until the prescribed fees are paid;
 - (h) specifying matters of which notification must be given to Connétables for the granting of permits;
 - (i) for the circumstances in which permits shall or may be revoked;
 - (j) for the review by the Comité des Connétables of decisions by Connétables to refuse to grant permits, or to impose conditions on the grant of permits, or to revoke permits;

-
- (k) for appeals to the Royal Court, by applicants and permit holders, in respect of reviews by the Comité des Connétables of decisions by Connétables on applications or permits;
 - (l) authorizing Connétables to approve for use in their own parishes, or the Comité des Connétables to approve for use in all parishes, forms of applications and of permits; and
 - (m) authorizing Connétables or the Comité des Connétables to issue guidance regarding the scheme for the granting of permits.
- (4) Regulations made under paragraph (1) may do any of the following things –
- (a) make different provision for different classes of shops, by reference to their size and nature, their impact on the peace and tranquillity of neighbourhoods and the avoidance of nuisance to residents of neighbourhoods;
 - (b) limit the number of days in any year on which shops of a specified class are authorized to open;
 - (c) limit to a particular day or days the occasions on which shops of a specified class are authorized to open;
 - (d) authorize Connétables, in granting permits, to impose conditions to the effect described in subparagraphs (b) and (c).
- (5) Paragraphs (2), (3) and (4) do not limit paragraph (1), and paragraph (4) does not limit Article 11(4) of the Interpretation (Jersey) Law 1954².
- (6) Regulations made under paragraph (1) may make it an offence to contravene any provision of the Regulations and impose a penalty not exceeding level 4 on the standard scale for any such offence.

5 Deliveries

- (1) The States may by Regulations prohibit, restrict, or establish a scheme for the regulation of the making of wholesale deliveries to shops on any Sunday, Good Friday, Christmas Day or Liberation Day.
- (2) Regulations made under paragraph (1) may make different provision for different classes of shops, by reference to their size and nature, their impact on the peace and tranquillity of neighbourhoods and the avoidance of nuisance to residents of neighbourhoods.
- (3) Paragraph (2) does not limit paragraph (1) or Article 11(4) of the Interpretation (Jersey) Law 1954.
- (4) Regulations made under paragraph (1) may make it an offence to contravene any provision of the Regulations and impose a penalty not exceeding level 4 on the standard scale for any such offence.

6 Offences relating to information

A person who for the purpose of obtaining a permit under Article 4 knowingly gives any information that is false in a material particular shall be guilty of an offence and liable to imprisonment for a term of 12 months and a fine.

7 Power of Connétable to impose penalty

- (1) Where a person charged with an offence under this Law accepts the decision of the Connétable or a centenier of the parish in which the offence was committed, the Connétable or centenier may impose a fine of level 1 on the standard scale.
- (2) A fine imposed under paragraph (1) shall be paid to the annual income of the parish in which the offence was committed.
- (3) This Article shall not apply to an offence under Article 6.

8 Offences by bodies corporate

- (1) Where an offence under this Law committed by a limited liability partnership or body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of –
 - (a) a person who is a partner of the partnership, or director, manager, secretary or other similar officer of the body corporate; or
 - (b) any person purporting to act in any such capacity,the person shall also be guilty of the offence and liable in the same manner as the partnership or body corporate to the penalty provided for that offence.
- (2) Where the affairs of a body corporate are managed by its members, paragraph (1) shall apply in relation to acts and defaults of a member in connection with that member's functions of management as if that member were a director of the body corporate.

9 Requirement to contravene Law to be void

A lease of a shop shall be void to the extent that it requires the shop to be open in contravention of this Law.

10 Transitional arrangements and savings

The States may by Regulations make such transitional arrangements and savings as they think fit regarding the repeal of the Shops (Sunday Trading) (Jersey) Law 1960³ and its replacement by this Law.

11 Consequential amendments and repeals

- (1) Part 1 of the Schedule shall have effect to amend other enactments.
- (2) Part 2 of the Schedule shall have effect to repeal the enactments listed in the first column of it to the extent specified in the second column.

12 Citation and commencement

This Law may be cited as the Shops (Regulation of Opening and Deliveries) (Jersey) Law 200- and shall come into force on such day or days as the States by Act appoint.

SCHEDULE

(Article 11)

CONSEQUENTIAL AMENDMENTS AND REPEALS

PART 1

(Article 11(1))

CONSEQUENTIAL AMENDMENTS

1 Hawkers and Non-Resident Traders (Jersey) Law 1965 amended

The Hawkers and Non-Resident Traders (Jersey) Law 1965⁴ shall be amended in Article 6(1)(a) by inserting after the words “Christmas Day” the words “or Liberation Day in any year”.

2 Licensing (Jersey) Law 1974 amended

The Licensing (Jersey) Law 1974⁵ shall be amended in Article 66(b)(ii) –

- (a) by substituting for the words “or Christmas Day” the words “, Christmas Day or Liberation Day”; and
- (b) by substituting for the words “Shops (Sunday Trading) (Jersey) Law 1960” the words “Shops (Regulation of Opening and Deliveries) (Jersey) Law 200-”.

PART 2

(Article 11(2))

REPEALS

<i>Enactment</i>	<i>Extent of repeal</i>
Shops (Sunday Trading) (Jersey) Law 1960 ⁶	The whole Law.
Shops (Sunday Trading) (Amendment) (Jersey) Law 1968 ⁷	The whole Law.
Shops (Sunday Trading) (Amendment No. 2) (Jersey) Law 1985 ⁸	The whole Law.
Shops (Sunday Trading) (Amendment No. 3) (Jersey) Law 2000 ⁹	The whole Law.
Shops (Sunday Trading) (Amendment No. 4) (Jersey) Law 2001 ¹⁰	The whole Law.
Public Holidays and Bank Holidays (Amendment No. 2) (Jersey) Law 2003 ¹¹	Article 4.

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- ¹ *chapter 05.275*
 - ² *chapter 15.360*
 - ³ *chapter 05.775*
 - ⁴ *chapter 05.275*
 - ⁵ *chapter 11.450*
 - ⁶ *L.11/1960 (chapter 05.775)*
 - ⁷ *L.6/1968 (chapter 05.775)*
 - ⁸ *L.10/1985 (chapter 05.775)*
 - ⁹ *L.7/2000 (chapter 05.775)*
 - ¹⁰ *L.20/2001 (chapter 05.775)*
 - ¹¹ *L.7/2003 (chapter 15.560)*