

STATES OF JERSEY



DRAFT SHOPS (REGULATION OF OPENING AND DELIVERIES) (JERSEY) LAW 200- (P.111/2009): THIRD AMENDMENT (P.111/2009 Amd.(3)) – COMMENTS

**Presented to the States on 2nd November 2009
by the Minister for Economic Development**

STATES GREFFE

COMMENTS

Part (a)

If Part (a) of this amendment is adopted, 26th December will become a 'Sunday' under the Law, increasing the 'additional' Sundays (Good Friday, Liberation Day and Christmas Day being the others) under the Law from three to four. Sunday trading permits will still apply – so many shops will still be open. This additional restriction will affect retailers who wish to begin their post-Christmas sales on 26th December, as well as consumers who wish to 'stock up' after Christmas.

Deputy Green makes two points in the report accompanying his amendment – firstly that there needs to be additional protection on this day to uphold family life and secondly about the negative effects of the substitution of the Boxing Day holiday to 28th December as a result of the Chief Minister's Department's proposition P.151/2009 (which is not connected to the Draft Shops (Regulation of Opening and Deliveries) (Jersey) Law 200-).

The Deputy also refers to a lack of consultation about trading on 26th December (albeit in connection with the aforementioned P.151/2009). From 2006-2007 Economic Development conducted exhaustive consultation on the general principles of a Sunday trading law, and received responses from all interested parties. A survey was conducted by the Statistics Unit on behalf of the Department, an analysis of the responses of those most potentially affected by proximity to large stores was conducted, and a questionnaire was returned by interested parties.

Churches (Evangelical, Baptist, Methodist and Church of England) replied to the questionnaire, as did all types of business, the Parishes, tourist attractions, and individuals. Members may note that 16 pages of public response data have been included as an appendix to the report accompanying the proposition. While it would have been impossible to fully satisfy the requirements of all respondents, Economic Development has taken the views of the majority on board when developing the Law, and will do so when finalising the subordinate legislation.

It does not appear that any of these respondents recommended the introduction of Sunday trading on 26th December. This raises the concern that all of the aforementioned consultation has been carried out in respect of a law that was generally as restrictive as the 1960 Law in terms of trading days. Stakeholders have at no point received an indication that there might be an intention to impose additional restrictions in this manner.

In respect of staff being compelled to work on 26th December, statements from retailers indicate that there is generally a waiting list for staff wishing to work on Sundays and bank holidays.

This argument might not be applicable in relation to 26th December 2009, as this is no longer a bank holiday, however, it is not appropriate to permanently change the finalised and widely-publicised form of the Draft Shops (Regulation of Opening and Deliveries) (Jersey) Law 200- in order to resolve a perceived issue resulting from another proposition which will occur on one day (on average) every 7 years.

Accordingly, Economic Development considers that this Part of the amendment should be rejected.

Part (b)

If Part (b) of this amendment is adopted 26th December could not be designated by the Minister for Economic Development as special occasions under the Law, so there would be no opportunity for Connétables to grant a blanket permit to allow shops without Sunday trading permits to trade on that day.

Economic Development has no fundamental objection to this Part of the amendment, as such a situation is highly unlikely to occur.