

SHOPS (REGULATION OF OPENING AND DELIVERIES) (JERSEY) LAW 2010

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Jersey

SHOPS (REGULATION OF OPENING AND DELIVERIES) (JERSEY) LAW 2010

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Jersey

SHOPS (REGULATION OF OPENING AND DELIVERIES) (JERSEY) LAW 2010

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.

Commencement [see endnotes]

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.[1]

(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, 26th December 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 1965.

(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, 26th December 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 dé Noué) for the purposes of this Law.

(3) Regulations made under paragraph (1) may not include provision empowering the Minister, by Order, to designate Good Friday or Liberation Day as a special occasion for the purposes of this Law.

(4) Regulations made under paragraph (1) may not include provision empowering the Minister, by Order, to designate 26th December as a special occasion for the purposes of this Law.

(5) 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 sub-paragraph (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.

(6) 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).

(7) Paragraphs (2), (5) and (6) do not limit paragraph (1), and paragraph (6) does not limit Article 11(4) of the Interpretation (Jersey) Law 1954.

(8) Regulations made under paragraph (1) may make it an offence to contravene any provision of the Regulations and impose a fine up to level 3 on the standard scale for any such offence.[2]

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 fine up to level 3 on the standard scale for any such offence.[3]

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 centenier to impose penalty[4]

(1) Where a person charged with an offence under this Law accepts the decision of a centenier of the parish in which the offence was committed, the centenier may impose a fine of level 1 on the standard scale.[5]

(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 1960[6] and its replacement by this Law.

11 Citation

This Law may be cited as the Shops (Regulation of Opening and Deliveries) (Jersey) Law 2010.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Shops (Regulation of Opening and Deliveries) (Jersey) Law 2010	L.21/2010	4 August 2011 (R&O.96/2011)
States of Jersey (Transfer of Functions No. 8) (Miscellaneous Transfers) (Jersey) Regulations 2015	R&O.158/2015	1 January 2016
Connétables (Miscellaneous Provisions - Consequential Amendments) (No. 2) (Jersey) Regulations 2016	R&O.52/2016	17 May 2016
Criminal Justice (Miscellaneous Provisions) (Jersey) Law 2016	L.1/2016	20 September 2016 (R&O.98/2016)
States of Jersey (Ministerial Offices – Minister for Sustainable Economic Development) Order 2023	R&O.102/2023	24 November 2023
States of Jersey (Transfer of Functions) Order 2026	R&O.102/2026	2 October 2026

Table of Renumbered Provisions

Original	Current
11	Spent, omitted
12	11
Schedule	Spent, omitted

Table of Endnote References

[1] *Article 1(1)* — *amended by R&O.158/2015, R&O.102/2023, R&O.102/2026*
[2] *Article 4(8)* — *amended by L.1/2016*
[3] *Article 5(4)* — *amended by L.1/2016*
[4] *Article 7* — *heading amended by R&O.52/2016*
[5] *Article 7(1)* — *amended by R&O.52/2016*
[6] — *former chapter 05.775 (L.11/1960)*