

GREFFE
ROYAL COURT

- 1 NOV 2002

GUERNSEY

GUERNSEY STATUTORY INSTRUMENT

2002 No. 33

The Sunday Trading (Fees and Miscellaneous Provisions)
Regulations, 2002

Made:

Laid before the States:

Coming into operation: 4th November 2002

THE STATES BOARD OF INDUSTRY in exercise of the powers conferred upon it by sections 10(2), 11(2), 18(3)(c) and 35 of the Sunday Trading Ordinance, 2002 and in exercise of all other powers enabling it in that behalf, hereby makes the following Regulations –

Citation, commencement and interpretation

1 – (1) These Regulations may be cited as the Sunday Trading (Fees and Miscellaneous Provisions) Regulations, 2002 and shall come into force on 4th November 2002.

(2) In these Regulations, unless the context otherwise requires –

“**a Category E Sunday opening licence**” shall have the meaning assigned by section 10(3) of the Ordinance;

“**the Ordinance**” means the Sunday Trading Ordinance 2002;

“**qualifying organisation**” shall have the meaning assigned by section 4(3) of the Ordinance;

“**special event licence**” shall have the meaning assigned by section 4(1) of the Ordinance;

“**statutory category**” shall have the meaning assigned by section 3(1) of the Ordinance;

“**Sunday opening licence**” shall have the meaning assigned by section 3(1) of the Ordinance; and

“**Tribunal**” shall have the meaning assigned by section 17(1) of the Ordinance.

(3) The Interpretation (Guernsey) Law, 1948 (a) applies to the interpretation of these Regulations as if they were an enactment.

Fees for licence application

Fees for licence application

2 - (1) Subject to paragraph (2) the fee to be charged in respect of an application for a Sunday opening licence, made in accordance with section 10(1) of the Ordinance, shall be £25.

(2) No fee shall be charged in respect of an application for a Category E Sunday opening licence.

(3) Subject to subsection (4) the fee to be charged in respect of an application for a special event licence, made in accordance with section 11(1) of the Ordinance, shall be £25.

(4) No fee shall be charged in respect of an application for a special event licence where the event or social occasion is promoted for the purposes of raising money for a qualifying organisation.

(5) A fee payable in accordance with section 10(2) or 11(2) of the Ordinance and this Regulation shall accompany an application made to the Constables and Douzaine of a Parish and shall be in the form of legal tender or such other form considered acceptable to the Constables or Douzaine concerned.

Fees for appeal to Tribunal

3 - The fee to be charged in respect of an appeal made to the Sunday Trading Appeals Tribunal, in accordance with section 18(3) of the Ordinance, shall be £75.

Transitional provisions – applications for Category L Sunday opening licence

4 – (1) Subject to paragraph (2), where an application for a Category L Sunday opening licence is submitted in respect of a shop in accordance with the provisions of Part III of the Ordinance, the Constables and Douzaine of the relevant Parish in which the shop is situated may at any time before 30th June 2003 grant a licence, not withstanding that the shop is non-compliant.

(2) Where the Constables and Douzaine of a Parish have granted a Category L Sunday opening licence under paragraph (1), they shall, if on or after 1st July 2003 the shop in respect of which the licence is granted is non-compliant, revoke the licence with effect on and from that date.

(3) In this Regulation –

“a category L Sunday opening licence” means a Sunday opening licence in respect of which the statutory category, within which the shop referred to in the application for the licence would fall if the application were granted, would be specified under section 3(2)(c) of the Ordinance as statutory category L; and

“non-compliant” means that the shop is not one of a type falling within statutory category L because it fails to meet the criteria for a shop of that type for reasons of a minor nature only and that in all other material respects it is a shop of a type falling within statutory Category L.

dated *1st November*..... 2002

President of the Board of Industry

John Roper

EXPLANATORY NOTE

This note is not part of the Regulations

These Regulations prescribe the fees to be paid in respect of an application for a Sunday opening licence and for a special event licence. They also prescribe the fee payable in respect of an appeal made to the Sunday Trading Appeals Tribunal.

The Regulations also make special traditional provisions for the granting of a Category L Sunday opening licence for plant and garden centres under certain specified circumstances.