

Island of  Guernsey

Ordinance of the States

XXVIII
2003

Made 26th November, 2003
Coming into operation 1st January, 2004

**The Sunday Trading
(Amendment) Ordinance, 2003**

The Sunday Trading (Amendment) Ordinance, 2003

THE STATES, in pursuance of their Resolution of the 1st August, 2003^a, and in exercise of the powers conferred on them by sections 1, 2, 3 and 4 of the Sunday Trading (Guernsey) Law, 1973^b, hereby order:-

Amendment of Ordinance of 2002.

1. (1) For section 17 of the Sunday Trading Ordinance, 2002^c ("**the Ordinance of 2002**"), substitute -

“Establishment of the Sunday Trading Appeals Panel and Tribunal.

17. (1) The States shall -

- (a) on the recommendation of the Board, draw up and maintain a panel to be called the Sunday Trading Appeals Panel ("**the Panel**"), which shall consist of such number of persons as, in the opinion of the States, is necessary for the purpose of hearing and determining appeals under the provisions of section 18; and
- (b) designate one of the members of the

^a Resolutions 2, 4, 5 and 6 on Article IX of Billet d'État XVI of 2003.

^b Ordres en Conseil Vol. XXIV, p. 48.

^c Ordinance No. XIV of 2002.

Panel as Chairman and another as Deputy Chairman thereof.

(2) There is established a tribunal called the Sunday Trading Appeals Tribunal (“**the Tribunal**”) which shall -

(a) be appointed from the membership of the Panel; and

(b) carry out the functions and exercise the powers conferred by section 18.

(3) The third Schedule to this Ordinance shall have effect in relation to the Tribunal.”.

(2) Immediately after the meaning of “**moveable structure**” in section 34(1) of the Ordinance of 2002, insert -

““**Panel**” has the meaning given by section 17(1);”.

(3) For the definition of “**Tribunal**” in section 34(1) of the Ordinance of 2002, substitute -

““**Tribunal**” has the meaning given by section 17(2);”.

(4) After paragraph 7 of the First Schedule to the Ordinance of 2002 insert -

“**Sale of tobacco.**”

8. The sale of tobacco, tobacco products and smokers'

requisites.”.

(5) For paragraphs 1 and 2 of the Third Schedule to the Ordinance of 2002 substitute -

“Constitution of Tribunal.

1. The Tribunal shall consist of three members drawn from the Panel and appointed in accordance with the provisions of paragraph 2.

Appointment of Tribunal.

2. (1) Where an appeal against a decision of the Constables and Douzaine of a Parish or the Tourist Board is instituted by notice in accordance with section 18, the Clerk to the Tribunal shall send a copy of the notice to the Chairman of the Panel (or, if he is unavailable, to the Deputy Chairman), asking him to appoint the Tribunal to hear and determine the appeal.

(2) Upon receipt of a copy of a notice under subparagraph (1), the Chairman or Deputy Chairman (as the case may be) shall -

- (a) from the members of the Panel, appoint the three members of the Tribunal who are to hear and determine the appeal; and
- (b) nominate one of the three members so appointed to chair the Tribunal,

and for the avoidance of doubt, the Chairman or Deputy Chairman may so appoint and nominate himself.”.

Savings for appeals etc. made before the coming into force of this Ordinance.

2. Notwithstanding the amendments to the Ordinance of 2002 made by this Ordinance -

- (a) any appeal made under section 18 of the Ordinance of 2002 prior to the date of commencement of this Ordinance; and
- (b) any appeal or question of law made or referred to the Royal Court under section 19 or 20 of the Ordinance of 2002 prior to that date,

shall be determined or otherwise dealt with by the Tribunal established under the Ordinance of 2002 or by the Royal Court, as the case may be, as if the amendments had not been made.

Citation.

3. This Ordinance may be cited as the Sunday Trading (Amendment) Ordinance, 2003.

Commencement.

4. This Ordinance shall come into force on the 1st day of January, 2004.