

Island of  Guernsey

Ordinance of the States

XXXIV
2004

Made 27th October, 2004

The Sunday Trading (Amendment) Ordinance, 2004

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THE STATES, in pursuance of their Resolution of the 29th September 2004^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) Immediately before section 28 of the Sunday Trading Ordinance, 2002^c, as amended ("**the Ordinance of 2002**"), insert -

"Power to prescribe "concessionary period" for purposes of statutory category L shops.

27A. Regulations may prescribe a period (the "**concessionary period**") for the purposes of paragraph L of the Second Schedule."

(2) Immediately after the definition of "**Clerk to the Tribunal**" in section 34(1) of the Ordinance of 2002, insert -

""concessionary period" has the meaning given by section 27A;".

(3) For paragraph L of the second Schedule, substitute -

"Category L - Plant and Garden Centres.

L. (1) A shop upon or from which is carried on -

(a) a trade or business -

^a Article XIII of Billet d'État XIV of 2004.

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

^c Ordinance No. XIV of 2002 and No. XXVIII of 2003.

(i) involving the sale of one or more of the type or types of the goods or items described in Part 1 of the Appendix during, or during a substantial part of, customary shop opening hours;

(ii) where the predominant range of goods or items offered for sale from that shop -

(aa) in the course of the trade or business;

(bb) during, or during a substantial part of, customary shop opening hours,

is a range consisting of one or more of the type or types of the goods or items described in paragraph 1 of Part 1 of the Appendix; and

(iii) where, if in the course of the trade or business, giftware is offered for sale from that shop, the floor area from which that giftware is offered for sale is a

single and discrete floor area not exceeding 100 square metres; or

(b) where regulations under section 27A prescribe a concessionary period, a trade or business which -

(i) during any period falling outside the concessionary period, falls within the description set out in subparagraph (a); and

(ii) during the concessionary period, either -

(aa) falls within the description set out in subparagraph (a), or

(bb) falls within the description set out in paragraph (2).

(2) A trade or business -

(a) involving the sale of one or more of the type or types of the goods or items described in Part 1 of the Appendix during, or during a substantial part of, customary shop opening hours;

(b) where the predominant range of goods or items offered for sale from that shop in the course of the trade or business, during, or during a substantial part of, customary shop opening hours, is a range consisting of -

(i) one or more of the type or types of the goods or items described in paragraph 1 of Part 1 of the Appendix; or

(ii) goods or items described in paragraph 7 of Part 3 of the Appendix (**"Christmas decorations and wrapping paper"**); and

(c) where, if in the course of the trade or business, giftware is offered for sale from that shop, the floor area from which that giftware (excluding Christmas decorations and wrapping paper) is offered for sale is a single and discrete floor area not exceeding 100 square metres.

(3) A Sunday opening licence granted in respect of a shop by virtue of section 3 and subparagraph (1), is granted subject to the following conditions -

(a) that the only type or types of goods or items offered for sale or sold from the shop on a Sunday are -

(i) one or more of the type or types of the goods or items described in the Appendix; or

(ii) one or more of the type or types of the goods or items described in the Appendix and food or drinks, and

(b) that the shop is not used as a venue at which to hold any fair, social occasion or similar event other than one associated with gardening or activities linked with the countryside.

(4) In this paragraph the expressions -

"**giftware**" means the goods or items described in Part 3 of the Appendix; and

"**the Appendix**" means the appendix to this Schedule."

Citation.

2. This Ordinance may be cited as the Sunday Trading (Amendment) Ordinance, 2004.