

Island of Guernsey

Ordinance of the States **XX**

1974

Made 31st July, 1974.
Coming into Operation ... 1st August, 1974.

The Sunday Trading (Implementation) Ordinance, 1974

THE STATES, in pursuance of their Resolution of the thirty-first day of May, nineteen hundred and seventy-two, and in exercise of the powers conferred upon them by section one, section three and section four of the Sunday Trading (Guernsey) Law, 1973(a), hereby order:—

PART I

Shops

1. Subject to the succeeding provisions of this Ordinance, the occupier of a shop shall not cause or permit that shop to be open for the serving of customers on Sundays. Closing of shops on Sundays.

2. The occupier of a shop who is desirous of opening that shop for the serving of customers on a Sunday, otherwise than under and in accordance with the provisions of section four, section five, Application to open a shop on a Sunday.

(a) No. VI of 1973.

section six or section eight of this Ordinance, may make application in that behalf to the Constables of the Parish in which that shop is situate and such application shall be in such form and shall be accompanied by such information, including the reason why the applicant is desirous of so opening that shop on that Sunday, as the said Constables may, from time to time, require.

Grant of special dispensation.

3. Upon the receipt of an application under the provisions of the last preceding section the Constables of the Parish concerned may, with the authority of the Douzaine of that Parish, grant a special dispensation to the applicant for the shop which is the subject of the application to be open for the serving of customers on a Sunday when there are exceptional reasons for that shop to be so open subject to such conditions as may be specified in the said special dispensation.

Excepted transactions.

4. The occupier of a shop may cause or permit that shop to be open for the serving of customers on Sundays for the purposes of any transaction mentioned in the Schedule to this Ordinance.

Savings.

5. Nothing in this Part of this Ordinance shall prevent:—

- (a) the sale, dispatch or delivery of victuals, stores or other necessaries required by any person for a ship or an aircraft on her arrival at, or immediately before her departure from, Guernsey, Herm or Jethou;
- (b) the sale, dispatch or delivery of petrol, diesel oil or lubricants to the owner or person in charge of a boat or an aircraft for the purposes of that boat or that aircraft.

6. When several trades or businesses are carried on in the same shop and any of those trades or businesses consist only of transactions of such a nature that, if they were the only transactions carried on in the shop, the provisions of this Part of this Ordinance prohibiting a shop to be open for the serving of customers for the whole or any part of Sunday would not apply to the shop, the shop may be kept open for the whole or any part of Sunday, as the case may be, for the purposes of those transactions alone.

Shops where several trades or businesses are carried on.

7. Goods sold retail to a customer shall not be delivered or dispatched for delivery from a shop at any time when under the provisions of this Part of this Ordinance a customer could not be served with those goods in that shop.

Delivery of goods.

8. Nothing in this Part of this Ordinance shall prevent:—

Business of hairdresser or barber and use of baker's oven permitted.

- (a) any person from carrying on the business of a hairdresser or a barber until mid-day on a Sunday;
- (b) any person from making use of a baker's oven for the purposes of cooking a meal or part of a meal until two o'clock in the afternoon on a Sunday.

9. (1) The foregoing provisions of this Part of this Ordinance shall extend to any place where a retail trade or business is carried on as if that place were a shop, and as if in relation to any such place the person by whom the retail trade or business is carried on were the occupier of a shop.

Extension of provisions of this Part to retail trading elsewhere than in shops.

(2) The provisions of section four of this Ordinance shall, as applied by this section, have

effect as if there were included in the Schedule to this Ordinance the sale by fishermen of freshly caught fish (including shellfish) and the sale at a farm, growing property, allotment or similar place, of produce produced thereon.

PART II

Banks

Closing of
banks on
Sundays.

10. The occupier of a bank shall not cause or permit that bank to be open on Sundays.

PART III

General

Offences.

11. Any person—

- (a) who contravenes or fails to comply with any of the provisions of this Ordinance or any condition attached to the grant of a special dispensation under the provisions of section three of this Ordinance, or
- (b) who, in connection with any application for the grant of a special dispensation as aforesaid, knowingly makes any false statement or knowingly furnishes any false information or recklessly makes any statement or recklessly furnishes any information which is false in a material particular,

shall be guilty of an offence and liable, on conviction, to a fine not exceeding, in the case of a first offence, fifty pounds and, in the case of a second or subsequent offence, one hundred pounds and the Court may, in addition, order that any special dispensation for the time being in force granted under the provisions of section three of this Ordinance in relation to the shop to which the conviction relates shall cease to have effect.

12. Where a person convicted of an offence under the provisions of this Ordinance is a body corporate, every person who, at the time of the commission of the offence, was a director or officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of that offence.

Offences by
bodies
corporate.

13. This Ordinance shall have effect in the Islands of Guernsey, Herm and Jethou.

Extent.

14. This Ordinance may be cited as the Sunday Trading (Implementation) Ordinance, 1974.

Citation.

15. This Ordinance shall come into force on the first day of August, nineteen hundred and seventy-four.

Commence-
ment.

SCHEDULE Section four

Transactions for the purposes of which a shop may be open on Sundays.

The sale of—

- (a) meals, refreshments or food whether or not for consumption at the shop at which they are sold,
- (b) milk and milk products and eggs,
- (c) tobacco, tobacco products and smokers' requisites,
- (d) newspapers, periodicals and magazines,

(e) medicines within the meaning of that expression in subsection (1) of section forty-two of the Pharmacists, Poisons and Pharmacy Ordinance, 1970(b), as amended.

R. H. VIDELO,
Her Majesty's Greffier.