

PROJET DE LOI

ENTITLED

Loi relative au Colportage *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

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* Ordres en Conseil Vol. VIII, p. 444; as amended by the Government of Alderney Law, 1948 (Ordres en Conseil Vol. XIII, p. 416); the Hawkers (Amendment) (Alderney) Law, 1963 (Ordres en Conseil Vol. XIX, p. 193); the Uniform Scale of Fines (Alderney) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 306); the Fees (Alderney) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 396); the Hawkers (Amendment) (Alderney) Law, 1994 (No. XXVIII of 1994, Ordres en Conseil Vol. XXXV(2), p. 639); the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997 (Alderney Ordinance No. II of 1997). See also the Hawkers (Amendment) (Alderney) Law, 1963 (*supra*); the Fees (Alderney) Law, 2011 (No. XX of 2012); the Fees (Alderney) Ordinance, 2024 (Alderney Ordinance No. IX of 2024).

PROJET DE LOI

ENTITLED

Loi relative au Colportage

ARRANGEMENT OF ARTICLES

- I. Définitions.
- II. Articles dont le colportage est interdit.
- III. Licences. Frais à la Cour, &c.
- IV. Class et taux des licences.
- V. Durée d'une licence.
- VI. Personnes non considérées colporteurs.
- VII. Pénalité.
- VIII. Rappel de la Loi de 1914.

(TRANSLATION)

PROJET DE LOI

ENTITLED

Loi relative au Colportage

Définitions.

I. Définition. Dans cette Loi le terme "**colporteur**" comprendra –

(1) Toute personne qui vendra ou offrira en vente des denrées, aliments ou marchandises quelconques, soit sur la voie publique, soit dans un lieu public, soit en se rendant de maison en maison.

(2) Toute personne qui, soit sur la voie publique soit dans un lieu public, soit en se rendant de maison en maison, exposera des échantillons de denrées, aliments ou marchandises quelconques, et ce dans le but d'obtenir des commandes pour la livraison subséquente des dites denrées, aliments ou marchandises.

(3) Toute personne arrivant dans cette Île n'étant pas un résident de cette Île, qui vendra ou offrira en vente des denrées, aliments ou marchandises quelconques, et ce dans un magasin, maison, appartement ou autre local qu'elle aura loué, ou dont elle se servira dans ce but.

(4) Toute personne arrivant dans cette Île, n'étant pas un résident dans cette Île, qui exposera des échantillons de denrées, aliments ou marchandises, dans le but d'obtenir des commandes pour la livraison subséquente des dites denrées, aliments ou marchandises, et ce dans un magasin, maison, appartement ou autre local qu'elle aura loué, ou dont elle se servira pour cet objet.

NOTE

In accordance with the provisions of the Hawkers (Amendment) (Alderney) Law, 1963, section 6(1), with effect from 1st February, 1964, this Law, when cited together with the 1963 Law, may be cited as the Hawkers (Alderney) Laws, 1930 and 1963.

Articles dont le colportage est interdit.

II. Le colportage de vins, liqueurs spiritueuses, cidre et bière dans cette Île est interdit.

Licences. Frais à la Cour, &c.

III. Le colportage de marchandises est défendu sans avoir obtenu une licence de [la Comité intitulée "the [Policy and Finance Committee]"]. [...]

NOTES

In Article 3,

the words in the first pair of square brackets were substituted by the Hawkers (Amendment) (Alderney) Law, 1994, section 1(1), with effect from 16th January, 1995;

the words in square brackets within the first pair of square brackets were substituted by the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997, section 1, Schedule 1, Part 1, paragraph 1, with effect from 2nd September, 1998;

the words omitted in the second pair of square brackets were repealed by the Hawkers (Amendment) (Alderney) Law, 1963, section 1(a), with effect from 1st February, 1964.¹

The functions of the Finance Committee under this Law were transferred to the Policy and Finance Committee by the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997, section 1, Schedule 1, Part 1, paragraph 1, with effect from 2nd September, 1998, subject to the savings and transitional provisions in section 3 of the 1997 Ordinance.

Class et taux des licences.

IV. Il y aura trois catégories de licences comme suit –

1^{ère} Classe.—Pour une personne résidant en cette Île colportant des marchandises sur la voie publique, dans un lieu public ou en se rendant de maison en maison, [telle somme que les États peuvent prescrire par Ordinance conformément à la Loi intitulé "Fees (Alderney) Law, 1989"].

2^{me} Classe.—Pour une personne arrivant dans cette Île n'étant pas un résident de cette Île colportant des marchandises sur la voie publique, dans un lieu public ou en se rendant de maison en maison, [telle somme que les États peuvent prescrire par Ordinance conformément à la Loi intitulé "Fees (Alderney) Law, 1989"].

3^{me} Classe.—Pour une personne arrivant dans cette Île n'étant pas un résident de cette Île qui vendra ou offrira en vente des marchandises dans un magasin, maison, appartement ou autre local qu'elle aura loué, ou dont elle se servira pour cet objet; ou pour une personne arrivant dans cette Île n'étant pas un résident de cette Île, qui exposera des échantillons de denrées, aliments ou marchandises quelconques, dans le but d'obtenir des commandes pour la livraison subséquente des dites denrées, aliments ou marchandises, et ce dans un magasin, maison, appartement ou autre local qu'elle aura loué, ou dont elle se servira pour cet objet, [telle somme que les États peuvent prescrire par Ordinance conformément à la Loi intitulé "Fees (Alderney) Law, 1989"].

NOTE

In Article 4, the words in the first, second and third pairs of square brackets were substituted by the Fees (Alderney) Law, 1989, section 1(2), Schedule, with effect from 21st January, 1999.²

In accordance with the provisions of the Fees (Alderney) Law, 2011, section 3, Schedule, Part II, paragraph 1, with effect from 1st January, 2019, the fees

referred to in this Article may be prescribed in accordance with that Law.

In accordance with the provisions of the Fees (Alderney) Ordinance, 2024, section 1, Schedule 1, Part I, with effect from 1st January, 2025, the fees payable hereunder are as set out therein.

The Fees (Alderney) Law, 1989 has since been repealed by the Fees (Alderney) Law, 2011, section 8(1), with effect from 1st January, 2019.

Durée d'une licence.

V. Les licences seront en force pour une année, à compter du jour de l'octroi.

Personnes non considérées colporteurs.

VI. Ne seront pas considérés comme colporteurs aux fins de cette loi –

(i) Ceux qui cherchent à obtenir des commandes pour des articles à des personnes qui sont elle-mêmes marchands des dits articles et qui les achètent ou commandent dans la vue de les revendre ensuite.

(ii) Les vendeurs de poisson frais, de lait ou de beurre, ainsi que des personnes offrant en vente des gazettes ou des journaux.

(iii) Les fermiers et jardiniers, ou leurs employés, cultivant de la terre en cette Île, pour la vente des produits de la dite terre.

(iv) Les marchands de pain et les marchands de charbon.

(v) Les personnes résidant dans cette Île faisant des ventes à l'enchère des marchandises autres que des marchandises importées dans cette Île pour être vendues à l'enchère. L'expression "**Marchandises Importées dans cette Île**" ne s'appliquera pas aux marchandises ou matériaux sauvés d'un vaisseau échoué ou naufragé sur les côtes de cette Ile.

Pénalité.

VII. Sera passible à une amende qui n'excédera pas [level 1 on the Alderney uniform scale], ou à défaut de paiement, d'un emprisonnement n'excédant pas un mois, toute personne colportant en contravention aux articles de cette Loi. [...]

NOTES

In Article 7,

the words and figures in the first pair of square brackets were substituted by Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989;³

the words omitted in the second pair of square brackets were repealed by the Hawkers (Amendment) (Alderney) Law, 1963, section 1(c)(ii), with effect from 1st February, 1964.

Rappel de la Loi de 1914.

VIII. Est et demeure rappelée la Loi relative au Colportage ratifiée par un Ordre de Sa Majesté en Conseil en date du 14 Mai, 1914, et enregistré sur les Records de cette Île en date du 10 Juin 1914.

NOTE

The Law received Royal Sanction on 28th July, 1930 and was registered on the Records of the Island of Guernsey and came into force in the Island of Alderney on 21st August, 1930.

Consolidated text

ALDERNEY

TRANSLATION **

of

"Projet de Loi relating to Hawking", approved by Order of His Majesty in Council the 28th day of July, 1930.

PROJET DE LOI

ENTITLED

The Law Relating to Hawking, 1930

ARRANGEMENT OF ARTICLES

- I. Definitions.
- II. Articles the hawking of which is forbidden.
- III. Court fees for licences.
- IV. Classes of licences and fees for same.
- V. Duration of a licence.
- VI. Persons not considered as hawkers.
- VII. Penalty for infraction.
- VIII. Repeal of former law.

** This English translation does not have the same force and effect as the French version of the Law, the French version, in original form, being the authoritative version of this Law.

PROJET DE LOI

ENTITLED

The Law Relating to Hawking, 1930

Definitions.

I. In this law the term Hawker shall include –

(1) Any person selling or offering for sale any wares, articles of food, or merchandise, either in the public thoroughfare, in a public place, or by going from house to house.

(2) Any person who, either on the public thoroughfare, in a public place, or by going from house to house, exposes samples of any wares, articles of food or merchandise with a view to obtaining orders for their wares, articles of food or merchandise to be subsequently delivered.

(3) Any person arriving in the Island not being a resident thereof who offers for sale any wares, articles of food or merchandise in any house, shop, room or other place hired or used by him for that purpose.

(4) Any person arriving in the Island not being a resident thereof who exposes samples of any wares, articles of food or merchandise in any house, shop, room or other place hired or used by him for that purpose, with a view to obtaining orders for such wares, articles of food or merchandise to be subsequently delivered.

NOTE

In accordance with the provisions of the Hawkers (Amendment) (Alderney) Law, 1963, section 6(1), with effect from 1st February, 1964, this Law, when cited together with the 1963 Law, may be cited as the Hawkers (Alderney) Laws, 1930 and 1963.

Articles the hawking of which is forbidden.

II. The hawking of wines, spirituous liquors, cider and beer in this Island is prohibited.

Court fees for licences.

III. It is forbidden to hawk goods without having a licence from [the Committee entitled "the [Policy and Finance Committee]"]. [...]

NOTES

In Article 3,

the words in the first pair of square brackets were substituted by the Hawkers (Amendment) (Alderney) Law, 1994, section 1(1), with effect from 16th January, 1995;

the words in square brackets within the first pair of square brackets were substituted by the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997, section 1, Schedule 1, Part 1, paragraph 1, with effect from 2nd September, 1998;

the words omitted in the second pair of square brackets were repealed by the Hawkers (Amendment) (Alderney) Law, 1963, section 1(a), with effect from 1st February, 1964.⁴

The functions of the Finance Committee under this Law were transferred to the Policy and Finance Committee by the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997, section 1, Schedule 1, Part 1, paragraph 1, with effect from 2nd September, 1998, subject to the savings and transitional provisions in section 3 of the 1997 Ordinance.

Classes of licences and fees for same.

IV. There shall be three classes of licences –

1st Class.—For a person residing in this Island hawking goods on the public thoroughfare, in a public place, or from house to house, [such sum as the States may prescribe by Ordinance in accordance with the Law entitled "Fees (Alderney) Law, 1989"].

2nd Class.—For a person arriving in this Island not being a resident thereof, hawking goods on the public thoroughfare, in a public place, or from house to house, [such sum as the States may prescribe by Ordinance in accordance with the Law entitled "Fees (Alderney) Law, 1989"].

3rd Class.—For a person arriving in this Island not being a resident thereof, who sells or offers for sale any wares, articles of food or merchandise in any house, shop, room or other place hired or used by him for that purpose, or, for a person arriving in this Island not being a resident thereof who exposes samples of any wares, articles of food, or merchandise in any house, shop, room or other place hired or used by him for that purpose, with a view of obtaining orders for such wares, articles of food, or merchandise to be subsequently delivered, [such sum as the States may prescribe by Ordinance in accordance with the Law entitled "Fees (Alderney) Law, 1989"].

NOTE

In Article 4, the words in the first, second and third pairs of square brackets were substituted by the Fees (Alderney) Law, 1989, section 1(2), Schedule, with effect from 21st January, 1999.⁵

Duration of a licence.

V. The licences shall be in force for one year from the date of issue.

Persons not considered as hawkers.

VI. Shall not be considered hawkers within the meaning of this Law –

(1) Persons seeking orders for goods from persons who are themselves dealers therein and who buy with a view to selling again.

(2) Vendors of fresh fish, milk or butter, as well as persons offering for sale newspapers or journals.

(3) Farmers or gardeners, or their employees, cultivating land in this Island, as far as regards the sale of the produce of the said land.

(4) Persons selling bread and coal.

(5) Persons resident in the Island conducting sales by auction of goods other than goods imported into the Island for the purpose of sale by auction.

The expression "**goods imported into the Island**" shall not include goods and materials saved from a stranded or wrecked ship.

Penalty for infraction.

VII. Shall be liable to a fine not exceeding [level 1 on the Alderney uniform scale], or in default of payment to a term of imprisonment which shall not exceed one month, any person contravening the provisions of this Law. [...]

NOTES

In Article 7,

the words and figures in the first pair of square brackets were substituted by Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989;⁶

the words omitted in the second pair of square brackets were repealed by the Hawkers (Amendment) (Alderney) Law, 1963, section 1(c)(ii), with effect from 1st February, 1964.

Repeal of former law.

VIII. Is hereby repealed the law relating to Hawking, ratified by an Order of His Majesty in Council on the 14th day of May, 1914, and registered on the Records of this Island the 10th day of June, 1914.

NOTE

The Law received Royal Sanction on 28th July, 1930 and was registered on the Records of the Island of Guernsey and came into force in the Island of Alderney on 21st August, 1930.

¹ Prior to their repeal, these words were amended in part by the Government of Alderney Law, 1948, section 63 and section 64, with effect from 8th March, 1949.

² The words in the second and thirds pairs of square brackets were previously substituted by the Hawkers (Amendment) (Alderney) Law, 1963, respectively section 1(b)(i) and section 1(b)(ii), with effect from 1st February, 1964.

³ These words and figure were previously amended by the Hawkers (Amendment) (Alderney) Law, 1963, section 1(c)(i), with effect from 1st February, 1964.

⁴ Prior to their repeal, these words were amended in part by the Government of Alderney Law, 1948, section 63 and section 64, with effect from 8th March, 1949.

⁵ The words in the second and thirds pairs of square brackets were previously substituted by the Hawkers (Amendment) (Alderney) Law, 1963, respectively section 1(b)(i) and section 1(b)(ii), with effect from 1st February, 1964.

⁶ These words and figure were previously amended by the Hawkers (Amendment) (Alderney) Law, 1963, section 1(c)(i), with effect from 1st February, 1964.