



Jersey

PRICE AND CHARGE INDICATORS (JERSEY) LAW 2008

Arrangement

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PRICE AND CHARGE INDICATORS (JERSEY) LAW 2008

A **LAW** to enable the imposition of a requirement for prices to be indicated on or in relation to goods that are or may be for sale by retail, for charges to be indicated for services which may be provided, and for connected purposes.

Adopted by the States

7th November 2007

Sanctioned by Order of Her Majesty in Council

12th February 2008

Registered by the Royal Court

22nd February 2008

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

1 Interpretation

In this Law –

“inspector” has the same meaning as in the Weights and Measures (Jersey) Law 1967¹;

“Minister” means the Minister for Economic Development;

“Regulations” means Regulations made under Article 2.

2 Power to make Regulations requiring price and charge indicators

(1) The States may by Regulations require –

(a) that prices are indicated on or in relation to goods which a person indicates are or may be for sale by retail, whether or not the goods are in existence when the person does so;

(b) that charges are indicated for services which a person indicates are or may be provided, except services which the person indicates are or may be provided only for the purposes of business carried on by other persons;

- (c) that prices of such goods or charges for such services are not indicated in a manner which is inappropriate and that no part of a penny is specified in the amount of an indicated price or charge.
- (2) Without prejudice to the generality of paragraph (1), Regulations made under this Article –
 - (a) may make provision as to the manner in which any price or charge is to be indicated;
 - (b) may require that the price or charge to be indicated on or in relation to any goods or services shall be, or shall include, a price or charge expressed by reference to such unit or units of measurement as may be specified in the Regulations;
 - (c) may provide that a failure to comply with any requirement of the Regulations is an offence liable to a fine not exceeding level 3 on the standard scale.
- (3) Where a requirement imposed by Regulations made under this Article relates to goods or services on the supply of which goods and services tax is charged, the requirement shall be, subject to paragraph (4), that the price or charge indicated is inclusive of the tax.
- (4) Regulations made under this Article may make exceptions to the requirement in paragraph (3) and, where an exception is made, may –
 - (a) require that the goods and services tax to be charged on the supply of the goods or services is indicated on or in relation to them or for them; and
 - (b) make provision as to the manner in which the tax is to be indicated.
- (5) Where Regulations made under this Article provide for a failure to comply with a requirement of the Regulations to be an offence, they shall also provide that –
 - (a) where the commission by a person of the offence is due to the act or default of some other person that other person shall be guilty of the offence and may be proceeded against and convicted of the offence pursuant to this sub-paragraph whether or not proceedings are taken against the first-mentioned person;
 - (b) in any proceedings for the offence under the Regulations it shall, subject to sub-paragraph (c), be a defence for the person charged to prove –
 - (i) that the commission of the offence was due to a mistake or to reliance on information supplied to him or her or to the act or default of another person, an accident or some other cause beyond his or her control, and
 - (ii) that he or she took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by him or her or by any person under his or her control;
 - (c) where, in any case, the defence provided by virtue of sub-paragraph (b) involves the allegation that the commission of the offence was due to the act or default of another person or to reliance on information supplied by another person, the person charged shall not, without leave of the court, be entitled to rely on

that defence unless, within a period ending 7 clear days before the hearing, he or she has served on the Attorney General a notice in writing giving such information identifying or assisting in the identification of that other person as was then in his or her possession.

3 Powers of purchase and inspection

- (1) Inspectors may make purchases of goods and any contracts for services for the purpose of determining whether Regulations are being complied with.
- (2) An inspector may, at all reasonable times, and on production, if requested, of evidence of his or her authority, exercise the powers described in paragraph (3) for the purpose of determining whether an offence under Regulations has been committed.
- (3) The powers are –
 - (a) to inspect and take samples of any goods which are, or which the inspector has reasonable cause to believe are to be, offered or exposed for sale by retail and to enter any land or premises (other than premises used only as a private dwelling-house) for the purposes of such inspection or the taking of such samples;
 - (b) to require any person carrying on a business, or employed in or in connection with a business, of offering or exposing for sale by retail any goods or of providing services (other than services provided only for the purposes of business carried on by other persons), to produce any documents relating to the business;
 - (c) to make copies of documents produced under sub-paragraph (b);
 - (d) to seize and detain goods, if the inspector has reason to believe that their examination is likely to produce evidence of the commission of an offence under Regulations;
 - (e) to seize and detain any document or goods which the inspector has reason to believe may be required as evidence in proceedings for an offence under Regulations.
- (4) A person who –
 - (a) wilfully obstructs an inspector acting under paragraphs (1) to (3);
 - (b) wilfully fails to comply with a requirement imposed under paragraph (3); or
 - (c) without reasonable cause, fails to give to an inspector acting under paragraphs (1) to (3) any other assistance or information which the inspector may reasonably require in the exercise of his or her powers under those paragraphs,shall be guilty of an offence and liable to imprisonment for a term of 6 months and to a fine of level 4 on the standard scale.
- (5) A person who, with intent to deceive, produces or gives, in compliance with a requirement imposed under paragraph (3), a document or information which the person knows is or may be misleading, false or

deceptive in a material particular shall be guilty of an offence and liable to imprisonment for a term of 12 months and to a fine.

- (6) Nothing in paragraph (3) shall be construed as requiring a person to answer any question or give any information if to do so might incriminate him or as authorizing the taking of possession of any such document as is mentioned in that paragraph which is in the possession of a legal adviser.

4 Restriction on disclosure of information obtained under Article 3

- (1) This Article applies to information obtained in the course of exercising powers conferred by Article 3, apart from information that is in the public domain.
- (2) No such information shall be disclosed except –
- (a) with the consent of the person by whom or on whose behalf the information was given or supplied or, as the case may be, of the owner of the goods to which the information relates or of the documents from which the information is obtained;
 - (b) to any Minister or States' employee for the purpose of the exercise of any function under this Law;
 - (c) with a view to the institution of, or otherwise for the purposes of any investigation of, or criminal proceedings for, an offence under this Law or Regulations; or
 - (d) for the purposes of any civil proceedings under or connected with this Law.
- (3) A person who contravenes paragraph (2) shall be guilty of an offence and liable to a fine of level 3 on the standard scale.

5 Offence of aiding, abetting, etc.

Any person who aids, abets, causes, counsels or procures the commission of, or conspires, attempts or incites another person to commit, an offence under this Law or Regulations shall also be guilty of the offence and liable in the same manner as a principal offender to the penalty provided for that offence.

6 Offence committed by body corporate etc.

- (1) Where an offence under this Law committed by a limited liability partnership or body corporate is proved to have been committed with the consent or connivance of, or to be attributable to, any neglect on the part of a person who is a partner of the partnership, or director, manager, secretary or other similar officer of the body, or (in either case) any person purporting to act in any such capacity, the person shall be guilty of the offence and liable in the same manner as the partnership or body corporate to the penalty provided for that offence.
- (2) Where the affairs of a body corporate are managed by its members, paragraph (1) shall apply in relation to acts and defaults of a member in connection with the member's functions of management as if the member were a director of the body corporate.

7 Appeal against detention of goods or documents

- (1) A person carrying on a business whose goods or documents are detained under Article 3 may apply to the Royal Court for an order requiring them to be released to him or her or another person.
- (2) The Royal Court shall only make an order for the release of goods or documents if it is satisfied that they are not, or are no longer, required in any investigation of or proceedings for an offence under this Law or Regulations.

8 Compensation where no fault

- (1) If an inspector detains goods under Article 3, the Minister is liable to pay compensation to any person having an interest in the goods in respect of any loss or damage caused by reason of the exercise of the power if, and only if –
 - (a) there has been no offence committed under this Law or under Regulations in relation to the goods; and
 - (b) the exercise of the power by the inspector is not attributable to any neglect or default by the person seeking compensation.
- (2) Any disputed question as to the right to or the amount of any compensation payable under this Article shall be determined by a single arbiter.
- (3) Subject to paragraph (4), the parties shall appoint an arbiter.
- (4) If the parties cannot agree on the appointment of an arbiter within a reasonable period, any party may apply to the Judicial Greffier who shall appoint an arbiter.

9 Citation and commencement

This Law may be cited as the Price and Charge Indicators (Jersey) Law 2008 and shall come into force 7 days after it is registered.

A.H. HARRIS

Deputy Greffier of the States

¹ *chapter 05.925*