



Jersey

SHOPS (REGULATION OF OPENING) (JERSEY) REGULATIONS 2011

Official Consolidated Version

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Contents

Regulation

1	Interpretation	4
2	Meaning of “retail sales area”	5
3	Exemptions	5
4	5
5	Authorized forms.....	5
6	Types of permit.....	6
6A	General permit	6
6B	Restricted-hours permit	6
6C	Single permit.....	7
6D	Permit for vehicle	7
7	Connétable to be authority for grant of permits	7
8	Application for permit	7
9	Additional information	8
10	Considerations in granting permits	8
11	Determination of application	8
12	Conditions of general permits and restricted-hours permits	8
13	Conditions of single permits.....	9
14	Issue of permit.....	9
15	9
16	Variation of permit	9
17	Permits that cease to have effect if holder ceases to occupy shop	10
18	Revocation of permit	10
19	Reasons for decisions	11
20	Review by Comité des Connétables	11
21	Appeal to Royal Court.....	12
22	Fees.....	12
23	Production of permit	12
24	13
25	Citation	13
SCHEDULE 1		14
EXEMPTIONS FROM THE REQUIREMENT FOR A PERMIT		14

SCHEDULE 2	15
SCHEDULE 3	16
<hr/>	
FEES	16
ENDNOTES	17
<hr/>	
Table of Legislation History.....	17
Table of Renumbered Provisions.....	17
Table of Endnote References.....	17



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THE STATES, in pursuance of Articles 3, 4 and 10 of the [Shops \(Regulation of Opening and Deliveries\) \(Jersey\) Law 2010](#), have made the following Regulations –

Commencement [[see endnotes](#)]

1 Interpretation

(1) In these Regulations, unless the context otherwise requires –

“approved form” means –

- (a) a form approved by the Comité des Connétables under Regulation 5(1) for use in all parishes, where the Comité has approved the form; or
- (b) a form approved by the Connétable of a parish under Regulation 5(2) for use in that parish, where the Connétable has approved the form;

“Law” means the [Shops \(Regulation of Opening and Deliveries\) \(Jersey\) Law 2010](#);

“retail sales area” shall be construed in accordance with Regulation 2;

“special occasion” means a day that is designated by the Minister, by an Order made under Regulation 4, as a special occasion;

“supply of goods” means a commercial activity described in Article 1(2)(a) of the Law, but does not mean a commercial activity described in Article 1(2)(c) of the Law;

“weekday” means any day of the week except –

- (a) a Sunday; or
- (b) a day that is Good Friday, Liberation Day, Christmas Day or 26th December.¹

(2) A reference in these Regulations to a permit, without further qualification, is a reference to any permit that may be granted under these Regulations.²

2 Meaning of “retail sales area”

- (1) In these Regulations, “retail sales area”, when used in respect of a shop that is open on weekdays as well as on a Sunday, Good Friday, Liberation Day or 26th December, means the area that is ordinarily used for commercial activities on weekdays.
- (2) In these Regulations, “retail sales area”, when used in respect of a shop that is not open on any weekday, means the area that may be used for commercial activities under a permit.
- (3) The retail sales area of a shop includes the working space behind any counter, but does not include –
 - (a) any office;
 - (b) any storage area to which the public is not given access; or
 - (c) any staff facility (for example, a staff kitchen or staff washroom) to which the public is not given access.
- (4) The retail sales area of a shop that is in a building shall be determined by measuring the internal floor space.
- (5) Where more than one area of a shop to which paragraph (1) refers is ordinarily used for commercial activities, the aggregate of those areas of the shop is the retail sales area.
- (6) Where more than one area of a shop to which paragraph (2) refers is the area that may be used for commercial activities under the permit, the aggregate of those areas of the shop is the retail sales area.

3 Exemptions

- (1) The shops in Schedule 1 are exempt from Article 2(1) of the Law.
- (2) If a shop in Schedule 1 is one that is open on weekdays, it is a condition of the exemption under this Regulation that the commercial activities that are carried on at the shop on Sundays, Good Friday, Liberation Day and 26th December shall be substantially the same as those carried on at the shop on weekdays.

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5 Authorized forms

- (1) The Comité des Connétables may approve forms of applications and permits for the purposes of these Regulations.
- (2) If the Comité des Connétables has not approved a form for use for a purpose of these Regulations, the Connétable of a parish may approve the form for use for that purpose in the parish until the Comité approves a form.
- (3) The Connétable of a parish shall make the approved forms available for use in the parish.

6 Types of permit⁴

The following permits may be granted under these Regulations –

- (a) a general permit;
- (b) a restricted-hours permit;
- (c) a single permit.

6A General permit⁵

- (1) A general permit may be granted only in respect of –
 - (a) a shop that has a retail sales area of no more than 700 square metres;
 - (b) a shop that is a tourist amenity, facility or attraction, if the part of the shop's retail sales area that is used for the supply of goods is no more than 700 square metres; or
 - (c) any other shop, if the supply of goods in the shop's retail sales area is incidental to the provision of some other service.
- (2) A general permit authorises the opening of a shop on the following days –
 - (a) every Sunday, other than a Sunday that is also Christmas Day;
 - (b) Good Friday;
 - (c) Liberation Day;
 - (d) 26th December.
- (3) A general permit remains in force until the end of the 31st day of December in the year in which it is granted, unless it ceases to have effect under Regulation 17 or is revoked under Regulation 18.

6B Restricted-hours permit⁶

- (1) A restricted-hours permit authorises the opening of a shop at any time between 10:00 and 16:00 hours on the following days –
 - (a) every Sunday, other than a Sunday that is also Christmas Day or 26th December;
 - (b) Good Friday;
 - (c) Liberation Day.
- (2) A restricted-hours permit also authorises the opening, at any time (including beyond the time between 10:00 to 16:00 hours) on the days set out in paragraphs (1)(a) to (c), of an area of a shop, where the area –
 - (a) is ordinarily used for the retail sale of fuel, or of other source of power, for motor vehicles (and may also be used incidentally for the supply of other goods); and
 - (b) is no more than 700 square metres.
- (3) A restricted-hours permit remains in force until the end of the 31st day of December in the year in which it is granted, unless it ceases to have effect under Regulation 17 or is revoked under Regulation 18.

6C Single permit⁷

- (1) A single permit authorises the opening of a shop on any date specified in the permit.
- (2) However, a single permit may not authorise the opening of a shop on Christmas Day, on 26th December or on more than 5 dates in a calendar year.

6D Permit for vehicle⁸

A permit for a shop that is a vehicle authorises its opening in any parish.

7 Connétable to be authority for grant of permits

- (1) If a shop is not a vehicle, the Connétable of the parish in which the shop is situated shall be the authority for the grant, variation and revocation of any permit for the shop.
- (2) In the case of a permit for a shop that is a vehicle, the Connétable of the parish in which at the time of the application for the permit the applicant for or holder of the permit lives or lived shall be the authority for its grant, variation and revocation.⁹
- (3) ¹⁰

8 Application for permit

- (1) An application for a permit for a shop shall be made by the occupier to the Connétable.¹¹
- (2) The application shall be in writing, in the approved form.
- (3) The application shall state –
 - (a) whether the application is for a general permit, restricted-hours permit or single permit;
 - (b) if the application is for a single permit, the date or dates in respect of which the application is made; and
 - (c) in every case, the name of the person who will manage the shop while it is open pursuant to the permit,and shall contain such other information as the approved form specifies.¹²
- (4) The application shall be accompanied by the application fee payable under Regulation 22(1).
- (5) The Connétable need not deal further with the application until the fee is paid.
- (6) ¹³
- (7) ¹⁴
- (8) ¹⁵

9 Additional information

- (1) An applicant for the grant of a permit shall provide such additional information as a Connétable reasonably requires in order to determine the application.¹⁶
- (2) For the purpose of determining the application, the Connétable may –
 - (a) inspect the shop to which it relates; or
 - (b) authorize another person in writing to do so on the Connétable's behalf and report to the Connétable on the inspection.
- (3) A person who is authorized under paragraph (2) by the Connétable shall, if asked to do so by the applicant, show the applicant a copy of the authorization before inspecting the shop.
- (4) A Connétable who receives a report under paragraph (2) shall give a copy to the applicant, and inform the applicant that he or she may make written representations on the report to the Connétable.
- (5) In determining the application, the Connétable may take the report into consideration.
- (6) If the Connétable does so, he or she shall also take into consideration the written representations (if any) made by the applicant on the report.

10 Considerations in granting permits

- (1) In determining whether or not to grant a permit, a Connétable shall have regard to the peace and tranquillity of a neighbourhood, and the avoidance of nuisance to residents, on the days and times of opening of a shop under the permit.
- (2) In particular, the Connétable shall have regard to the kind and size of a shop to which the permit will apply, and to any noise, traffic and litter that are likely to result from its opening under the permit.
- (3) Paragraph (2) does not limit paragraph (1).

11 Determination of application

- (1) On determining an application for the grant of a permit, a Connétable shall within 21 days notify the applicant in writing of the decision.¹⁷
- (2) The Connétable shall at the same time notify the applicant of the procedure by which the decision may be reviewed under Regulation 20.

12 Conditions of general permits and restricted-hours permits¹⁸

- (1) It is a condition of a general permit or restricted-hours permit that if there is any change –
 - (a) in the size of the retail sales area of the shop for which the permit is granted;
 - (b) of manager of the shop; or
 - (c) of the predominant use of the shop,the permit holder shall within 7 days in writing notify the Connétable of the parish in which the shop is situated.¹⁹

- (2) It is a condition of a general permit or restricted-hours permit that if the permit holder ceases to be the occupier of the shop, he or she shall within 7 days in writing notify the Connétable.²⁰
- (3) It is a condition of a general permit or restricted-hours permit that, whenever the shop is open pursuant to the permit, it shall be displayed in or on the shop in a conspicuous place where it can be readily seen by customers.²¹
- (4) It is a condition of a general permit or restricted-hours permit that where the shop is one that is open on weekdays as well as on Sundays, Good Friday, Liberation Day or (in the case of a general permit) 26th December, the commercial activities that are carried on at the shop pursuant to the permit shall be substantially the same as those carried on at the shop on weekdays.²²
- (5) On granting a general permit or restricted-hours permit for a shop, a Connétable may impose such other conditions on the opening of the shop as he or she thinks fit.²³
- (6) They may include conditions –
 - (a) restricting the hours of opening of the shop;
 - (b) restricting the number and timing of wholesale and retail deliveries to or from the shop; and
 - (c) specifying arrangements that the holder of the permit is to make for parking by customers and staff of the shop.
- (7) Paragraph (6) does not limit paragraph (5).

13 Conditions of single permits

- (1) On granting a single permit for a shop, a Connétable may impose such conditions on the opening of the shop as he or she thinks fit.
- (2) They may include any conditions described in any of paragraphs (1), (2), (3), (4) and (6) of Regulation 12 (other than the condition to which Regulation 12(1)(a) refers).
- (3) Paragraph (2) does not limit paragraph (1).

14 Issue of permit²⁴

On granting a permit, a Connétable shall issue the permit in the approved form to the applicant.

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16 Variation of permit²⁶

- (1) Subject to the other provisions of these Regulations, a Connétable may vary a permit, either on the application in writing of the permit holder or on the Connétable's own initiative.²⁷

- (2) If the Connétable proposes to refuse to grant a permit holder's application, or proposes to vary a permit on the Connétable's own initiative, the Connétable shall give the holder notice in writing of his or her intention to do so.
- (3) The notice shall –
 - (a) specify the grounds on which the Connétable proposes to refuse to grant the permit holder's application, or proposes to vary the permit on the Connétable's own initiative, as the case may require; and
 - (b) inform the holder that he or she may make written representations to the Connétable, as to the latter's proposal, within 21 days or within such further time as the Connétable allows.
- (4) If the Connétable is required by paragraph (2) to give notice to the permit holder, the Connétable shall in deciding whether or not to proceed –
 - (a) to refuse to grant the holder's application; or
 - (b) to vary the permit on the Connétable's own initiative,take into consideration any written representations so made.
- (5) On deciding whether or not to vary the permit, the Connétable shall within 21 days notify the permit holder in writing of the decision.
- (6) The Connétable shall at the same time notify the permit holder of the procedure by which the decision may be reviewed under Regulation 20.

17 Permits that cease to have effect if holder ceases to occupy shop²⁸

A permit shall cease to have effect on the permit holder's ceasing to be the occupier of the shop for which it is granted.

18 Revocation of permit²⁹

- (1) A Connétable may revoke a permit in any of the following cases –
 - (a) if, in the case of a general permit, the shop no longer fulfils the requirements for the grant of such a permit;
 - (b) if any condition of the permit has been contravened;
 - (c) if the permit holder has been convicted of any offence under the Law or under these Regulations (whether or not in respect of the shop to which the permit relates);
 - (d) if the Connétable thinks fit to revoke the permit, having regard to any disturbance of the peace or tranquillity of any neighbourhood, or of any nuisance to residents, resulting from the opening of the shop on the days and at the times authorized by the permit.³⁰
- (2) If a Connétable proposes to revoke a permit, the Connétable shall give the permit holder notice in writing of his or her intention to do so.
- (3) The notice shall –
 - (a) specify the grounds on which the Connétable proposes to revoke the permit; and

- (b) inform the permit holder that the holder may make written representations to the Connétable, as to the latter's proposal, within 21 days or within such further time as the Connétable allows.
- (4) The Connétable shall, in deciding whether or not to proceed to revoke the permit, take into consideration any written representations so made.
- (5) The Connétable shall within 21 days notify the permit holder in writing of the decision.
- (6) The notification under paragraph (5) shall inform the permit holder of the procedure by which the decision may be reviewed under Regulation 20.

19 Reasons for decisions

- (1) A Connétable shall state in writing the reasons for a decision by the Connétable under these Regulations –
 - (a) refusing to grant an application in the terms in which it is sought;
 - (b) imposing a condition under Regulation 12(5) or Regulation 13 in granting an application for a permit;
 - (c) varying a permit on the Connétable's own initiative; or
 - (d) revoking a permit.³¹
- (2) Where the Connétable is required under paragraph (1) to give reasons for a decision, he or she shall provide a copy of the reasons –
 - (a) to the applicant, in the case mentioned in either of paragraphs (1)(a) and (b); or
 - (b) to the permit holder, in the case mentioned in either of paragraphs (1)(c) and (d),with the notification of the decision.

20 Review by Comité des Connétables

- (1) A person mentioned in Regulation 19(2) who is aggrieved by a decision to which that paragraph refers may give notice in writing to the Connétable by whom the decision is made that he or she wishes to have the decision reviewed by the Comité des Connétables.
- (2) A notice under paragraph (1) shall be given –
 - (a) within 21 days after the Connétable notifies the person of the decision and provides to the person a copy of the reasons; or
 - (b) within such further time as the Connétable allows.
- (3) Subject to paragraph (5), the Connétable shall on receiving a notice under paragraph (1) notify the Chairman of the Comité des Connétables.
- (4) Subject to paragraph (5), the Chairman of the Comité des Connétables shall then convene a panel of 3 Connétables (excluding the Connétable whose decision is the subject of the review) to review the decision.

- (5) Where the Connétable who receives a notice under paragraph (1) is the Chairman of the Comité des Connétables –
 - (a) he or she shall forthwith notify the Vice-Chairman of the Comité des Connétables; and
 - (b) the Vice-Chairman shall instead convene a panel of 3 other Connétables to review the decision.
- (6) The person seeking the review of a decision shall give the panel, and the Connétable whose decision is the subject of the review, a statement in writing of the grounds on which the review is sought.
- (7) The panel shall review the decision, and confirm, reverse or vary the decision.
- (8) On reviewing the decision, the panel shall within 21 days –
 - (a) notify the person in writing of its decision on the review, stating the reasons for the decision; and
 - (b) give a copy of the notification (including the reasons) to the Connétable whose decision has been reviewed.
- (9) The notification under paragraph (8) shall inform the person of Regulation 21 (which relates to appeals to the Royal Court).

21 Appeal to Royal Court

- (1) A person who is aggrieved by a decision by a panel of the Comité des Connétables on a review under Regulation 20 may appeal against the decision to the Royal Court.
- (2) The appeal shall be brought within 28 days after the panel notifies the person in writing of the decision, or within such further time as the Royal Court allows.
- (3) On hearing the appeal, the Royal Court may confirm, reverse or vary the decision, and make such order as to costs as it thinks fit.

22 Fees

- (1) The applicable fee specified in Schedule 3 shall be payable in respect of an application for a general permit, restricted-hours permit or single permit.³²
- (2) A fee that is payable in respect of an application shall be credited to the revenues of the parish to whose Connétable the application must be made.

23 Production of permit

- (1) The holder of a permit shall, when required to do so by or on behalf of –
 - (a) the Connétable by whom it is granted; or
 - (b) (if the shop is a vehicle) any Connétable in whose parish the vehicle is for the time being open under the permit,produce it to that Connétable or to a person who is authorized in writing for the purpose of this Regulation by that Connétable.³³

- (2) The holder of a permit need not comply with a requirement made under paragraph (1) by a person other than the Connétable if –
 - (a) he or she asks the person making the requirement to show the holder a copy of the authorization; and
 - (b) the other person does not do so.
- (3) The holder of a permit shall, within 7 days after the permit ceases to have effect, deliver it to the Connétable by whom it was granted.³⁴
- (4) A permit holder who contravenes either of paragraphs (1) and (3) shall be guilty of an offence and liable to a fine of level 2 on the standard scale.

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25 Citation

These Regulations may be cited as the Shops (Regulation of Opening) (Jersey) Regulations 2011.

SCHEDULE 1³⁶

(Regulation 3(1))

EXEMPTIONS FROM THE REQUIREMENT FOR A PERMIT

1. A shop that is open during permitted hours pursuant to an on-licence granted under the [Licensing \(Jersey\) Law 1974](#).
2. A shop that is registered premises within the meaning of the [Places of Refreshment \(Jersey\) Law 1967](#) (that is to say, it is registered as a place of refreshment under that Law) and is open pursuant to a permit granted under Article 13(4) of that Law.
3. A shop that is registered under Article 74 of the [Medicines \(Jersey\) Law 1995](#), and is open only for the sale of medicines and other medicinal products and medical and surgical apparatus, appliances, instruments and supplies.
4. A shop that is open for the transaction of a business within the Port of St. Helier or Jersey Airport.
5. A shop that is open for the transaction on the foreshore of any business carried on under a concession granted by the Minister for Sustainable Economic Development.
6. Premises whose predominant use is as a sports or other recreational facility (for example, a golf course or tennis court).
7. A shop that is a bank and is open pursuant to an Order made under Article 4 of the [Public Holidays and Bank Holidays \(Jersey\) Law 1951](#).
8. A service for the provision of the public transport of passengers, goods or freight by land, sea or air.
9. A cab service, within the meaning of Article 1(1) of the [Motor Traffic \(Jersey\) Law 1935](#).
10. A tourist amenity, facility or attraction that does not undertake the supply of goods.

SCHEDULE 2³⁷

SCHEDULE 3³⁸

(Regulation 22(1))

FEES

For filing an application for a general permit or single permit – £60

For filing an application for a restricted-hours permit – £120

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement	◦Projet No (where applicable)
Shops (Regulation of Opening) (Jersey) Regulations 2011	R&O.95/2011	4 August 2011	P.95/2011
States of Jersey (Transfer of Functions No. 8) (Miscellaneous Transfers) (Jersey) Regulations 2015	R&O.158/2015	1 January 2016	P.46/2015 (Re-issue)
Shops (Regulation of Opening) (Amendment) (Jersey) Regulations 2019 ³⁹	R&O.109/2019	30 October 2019	P.93/2019
States of Jersey (Ministerial Offices – Minister for Sustainable Economic Development) Order 2023	R&O.102/2023	24 November 2023	

◦Projets available at statesassembly.gov.je

Table of Renumbered Provisions

Original	Current
25(1)	25
25(2)	Spent, omitted

Table of Endnote References

¹ Regulation 1(1)	amended by R&O.109/2019
² Regulation 1(2)	inserted by R&O.109/2019
³ Regulation 4	deleted by R&O.109/2019
⁴ Regulation 6	substituted by R&O.109/2019
⁵ Regulation 6A	inserted by R&O.109/2019
⁶ Regulation 6B	inserted by R&O.109/2019
⁷ Regulation 6C	inserted by R&O.109/2019
⁸ Regulation 6D	inserted by R&O.109/2019
⁹ Regulation 7(2)	amended by R&O.109/2019
¹⁰ Regulation 7(3)	deleted by R&O.109/2019
¹¹ Regulation 8(1)	amended by R&O.109/2019
¹² Regulation 8(3)	amended by R&O.109/2019
¹³ Regulation 8(6)	deleted by R&O.109/2019

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- ¹⁴ Regulation 8(7) *deleted by R&O.109/2019*
- ¹⁵ Regulation 8(8) *deleted by R&O.109/2019*
- ¹⁶ Regulation 9(1) *amended by R&O.109/2019*
- ¹⁷ Regulation 11(1) *amended by R&O.109/2019*
- ¹⁸ Regulation 12 *heading amended by R&O.109/2019*
- ¹⁹ Regulation 12(1) *amended by R&O.109/2019*
- ²⁰ Regulation 12(2) *amended by R&O.109/2019*
- ²¹ Regulation 12(3) *amended by R&O.109/2019*
- ²² Regulation 12(4) *amended by R&O.109/2019*
- ²³ Regulation 12(5) *amended by R&O.109/2019*
- ²⁴ Regulation 14 *amended by R&O.109/2019*
- ²⁵ Regulation 15 *deleted by R&O.109/2019*
- ²⁶ Regulation 16 *heading amended by R&O.109/2019*
- ²⁷ Regulation 16(1) *amended by R&O.109/2019*
- ²⁸ Regulation 17 *amended by R&O.109/2019*
- ²⁹ Regulation 18 *heading amended by R&O.109/2019*
- ³⁰ Regulation 18(1) *amended by R&O.109/2019*
- ³¹ Regulation 19(1) *amended by R&O.109/2019*
- ³² Regulation 22(1) *amended by R&O.109/2019*
- ³³ Regulation 23(1) *amended by R&O.109/2019*
- ³⁴ Regulation 23(3) *amended by R&O.109/2019*
- ³⁵ Regulation 24 *deleted by R&O.109/2019*
- ³⁶ Schedule 1 *amended by R&O.158/2015, R&O.102/2023*
- ³⁷ Schedule 2 *deleted by R&O.109/2019*
- ³⁸ Schedule 3 *amended by R&O.109/2019*
- ³⁹ See Regulation 15 of the amending Regulations for the continuing effect of blanket permits in force before the amending Regulations came into force