

PROJET DE LOI

ENTITLED

The Hawkers and Non-Resident Traders (Guernsey) Law, 1980 *

[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.

©States of Guernsey

* Ordres en Conseil Vol. XXVII, p. 218; as amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); the Hawkers and Non-Resident Traders (Amendment) (Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 419); the States Committees (Constitution and Amendment) (Guernsey) Law, 1991 (No. XX of 1991, Ordres en Conseil Vol. XXXIII, p. 471); the Transfer of Functions Ordinance, 1991 (Recueil d'Ordonnances Tome XXV, p. 328); the Board of Employment, Industry and Commerce (Transfer of Functions) Ordinance, 1996 (No. XXXI of 1996, Recueil d'Ordonnances Tome XXVII, p. 139); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the States Treasurer (Transfer of Functions) (Guernsey) Ordinance, 2008 (No. VII of 2008, Recueil d'Ordonnances Tome XXXIII, p. 38); the Chief Accountant (Transfer of Functions) (Guernsey) Ordinance, 2013 (No. XLIII of 2013); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016). See also the Police Force (Guernsey) Law, 1986 (Ordres en Conseil Vol. XXIX, p. 207); the Fees, Charges and Penalties (Guernsey) Law, 2007 (No. VII of 2008).

PROJET DE LOI

ENTITLED

The Hawkers and Non-Resident Traders (Guernsey) Law, 1980

ARRANGEMENT OF SECTIONS

1. Prohibition of hawking without a hawker's licence.
2. Prohibition of trading by a non-resident without a non-resident trader's licence.
3. Classes of hawker's licences.
4. Classes of non-resident traders' licences.
5. Application for licence to be made to the Ordinary Court.
6. Formalities to be observed before application is made.
7. Grant of licences by the Ordinary Court.
8. Report of Chief Officer of Police on application.
9. Issue of certificate of licence by H.M. Greffier.
10. Register of licences.
11. Periods of validity of licences.
12. Suspension and forfeiture of licences.
13. Renewal of licences.
14. Substitution of employee authorised to act under a hawker's licence.
15. Licence fees.
16. Restriction on exercise of licences on Sundays and between 8 p.m. and 6 a.m. on other days.
17. Offences and penalties.
18. Repeals.
19. Savings.
20. Interpretation.
21. Citation and commencement.

FIRST SCHEDULE	Fees Payable on the Grant and Renewal of Licences.
SECOND SCHEDULE	Enactments Repealed.

PROJET DE LOI

ENTITLED

The Hawkers and Non-Resident Traders (Guernsey) Law, 1980

THE STATES, in pursuance of their Resolution of the thirty-first day of May, nineteen hundred and seventy-eight, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Islands of Guernsey, Herm and Jethou.

Prohibition of hawking without a hawker's licence.

1. (1) Subject to subsection (2) of this section, a person shall not go from place to place for the purpose of –

- (a) selling any article,
- (b) soliciting orders for the sale of any article to be subsequently delivered, or
- (c) soliciting the sale to himself or to any other person of any jewellery, objet d'art, antique or other similar article,

otherwise than under and in accordance with a current hawker's licence of the appropriate class authorising him so to do, whether as the person to whom the licence has been granted or as the employee of that person.

(2) Subsection (1) of this section shall not apply –

- (a) to any person in respect of –
 - (i) the sale by that person of any article to a dealer

in the same kind of article,

- (ii) the soliciting by that person of orders for the sale of any article from a dealer in the same kind of article, or
 - (iii) the soliciting by that person of the sale of any article by a dealer in the same kind of article,
- (b) to any person in respect of the sale by that person, or the soliciting by that person of orders for the sale, of any article which is his own handiwork save that the exemption provided by this paragraph shall not extend to the sale by that person, or the soliciting by that person of orders for the sale, of any such article for or on behalf of another person or for or on behalf of a body corporate,
- (c) to any person who is a resident, who carries on at any shop or store in the Island any trade or business, in respect of –
- (i) the sale by that person, or the soliciting by that person of orders for the sale, of any article, or
 - (ii) the soliciting by that person of the sale of any article (other than jewellery, objet d'art, antique or other similar article) by any other person,
- in the course of the carrying on of that trade or business, or
- (d) to any person in respect of the sale by that person, or the soliciting by that person of orders for the sale, of any coal or any food.

Prohibition of trading by a non-resident without a non-resident trader's licence.

2. (1) Subject to subsection (2) of this section, a person who is a non-resident shall not temporarily occupy any premises in the Island for the purpose of –

- (a) selling any article which has been imported into the Island for sale therein,
- (b) offering or exposing for sale any article to be so imported and to be subsequently delivered in the Island,
- (c) soliciting the sale to himself or to any other person of any jewellery, objet d'art, antique or other similar article,

otherwise than under and in accordance with a current non-resident trader's licence of the appropriate class authorising him or his employer so to do.

(2) Subsection (1) of this section shall not apply to any person who temporarily occupies any premises in the Island for the purpose of –

- (a) selling otherwise than by way of a sale by retail, or soliciting orders for such sale, of any article only to other persons who are dealers in the same kind of article,
- (b) selling, or soliciting orders for the sale of, any article which is his own handiwork save that the exemption provided by this paragraph shall not extend to selling, or soliciting orders for the sale of, any such article by such a person as aforesaid for or on behalf of another person or for or on behalf of a body corporate.

Classes of hawker's licences.

3. (1) Hawkers' licences shall be classified for the purposes of this Law in accordance with the following provisions of this section.

(2) A hawker's licence authorising a person who is a resident, or who is the employee of any such person, to go from place to place for any such purposes as mentioned in subsection (1) of section one of this Law shall be a Class 1 hawker's licence.

(3) A hawker's licence authorising a person who is a non-resident, or who is the employee of any such person, to go from place to place for the purpose mentioned in paragraph (a) of that subsection shall be a Class 2 hawker's licence.

(4) A hawker's licence authorising a person who is a non-resident, or who is the employee of any such person, to go from place to place for any of the purposes mentioned in paragraph (b) or paragraph (c) of that subsection shall be a Class 3 hawker's licence.

Classes of non-resident traders' licences.

4. (1) Non-resident traders' licences shall be classified for the purposes of this Law in accordance with the following provisions of this section.

(2) A non-resident trader's licence authorising a person to occupy any premises (other than premises of the description mentioned in the next following subsection) for any of the purposes mentioned in subsection (1) of section two of this Law shall be a Class 1 non-resident trader's licence.

(3) A non-resident trader's licence authorising a person to occupy any premises for any of the purposes mentioned in subsection (1) of section two of this Law while those premises are being used in connection with a trades' exhibition approved for the purposes of this Law by the [Committee] shall be a Class 2 non-resident trader's licence.

NOTE

In section 4, the word in square brackets in subsection (3) was substituted

*by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.*¹

Application for licence to be made to the Ordinary Court.

5. (1) A person who desires to obtain a hawker's licence or a non-resident trader's licence shall make application in that behalf to the Ordinary Court, and such application shall be made in writing and shall contain the following particulars, that is to say –

- (a) the full name, address and occupation of the applicant,
- (b) the type and class of the licence being applied for,
- (c) a description of the kind of articles in respect of which the licence is being applied for,
- (d) where the licence being applied for is a hawker's licence and the applicant desires to employ any other person to act on his behalf under the authority of the licence, the full name, address and occupation of that other person,
- (e) where the licence being applied for is a non-resident trader's licence, a description of the premises in respect of which the licence is being applied for and, in the case where the licence being applied for is a Class 2 non-resident trader's licence, a description of the trades' exhibition in question, the venue of the exhibition and the period during which it is to be held,
- (f) where the licence being applied for is a hawker's licence, the period during which the applicant desires that the licence shall be valid, that is to say –
 - (i) in the case of a Class 1 hawker's licence,

three, six, nine or twelve months,

- (ii) in the case of a Class 2 or Class 3 hawker's licence, six or twelve months.

(2) An application under this section for a Class 2 non-resident trader's licence shall be accompanied by a certificate signed by the President of the [Committee] and certifying that the trades' exhibition in connection with which the licence is being applied for has been approved by the [Committee] for the purposes of this Law.

NOTE

In section 5, the word "Committee" in square brackets, wherever occurring, was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.²

Formalities to be observed before application is made.

6. A person who intends to make an application for a licence under this Law shall –

- (a) at least twenty-one days before the day on which he intends to make the application, send or deliver to the Chief Officer of Police a notice in writing which shall contain all the particulars required to be furnished in the application under the last foregoing section, and such further particulars as the Chief Officer may reasonably require for the purposes of the report he is required to make to the Ordinary Court under section eight of this Law at the time of the hearing of the application, and
- (b) prior to the day on which he intends to make the application, pay to the [States Treasurer] the fee payable under and in accordance with section fifteen of this Law in respect of the grant of the licence.

NOTE

In section 6, the words in square brackets were substituted by the Chief Accountant (Transfer of Functions) (Guernsey) Ordinance, 2013, section 1, with effect from 1st December, 2013, subject to the savings and transitional provisions in section 2 of the 2013 Ordinance.³

Grant of licences by the Ordinary Court.

7. (1) Subject to subsection (2) and subsection (3) of this section, the Ordinary Court may, on application being made to it in that behalf in accordance with section five of this Law and after taking into consideration the report of the Chief Officer of Police required to be made under the next following section, grant to the applicant the licence for which he has applied.

(2) The Ordinary Court shall not dispose of an application for a licence under this Law unless the provisions of the last foregoing section have been complied with.

(3) A hawker's licence shall not be granted by the Ordinary Court under this section authorising more than one employee to act on behalf of the applicant under the authority of the licence.

(4) A licence may be granted by the Ordinary Court under this section subject to such conditions as the Court shall deem proper.

(5) A licence granted under this section shall specify the following particulars, that is to say –

- (a) the full name and address of the person to whom the licence is granted,
- (b) the type and class of the licence granted,
- (c) a description of the kind of articles in respect of which the licence is granted,

- (d) where the licence granted is a hawker's licence, the full name and address of the employee of the person to whom the licence is granted who is authorised to act under the licence on behalf of that person,
- (e) where the licence granted is a non-resident trader's licence, a description of the premises in respect of which the licence is granted and, in the case where the licence granted is a Class 2 non-resident trader's licence, a description of the trades' exhibition in question and the venue of the exhibition,
- (f) the period of validity of the licence,
- (g) any conditions attached to the grant of the licence under the last foregoing subsection.

(6) A decision of the Ordinary Court granting or refusing the grant of a licence, or attaching any conditions to the grant of a licence, under this section shall be final.

Report of Chief Officer of Police on application.

8. At the time of the hearing of an application for the grant of a licence under this Law, the Chief Officer of Police shall present to the Ordinary Court a report on the application; and a copy of that report shall be furnished beforehand to the applicant.

Issue of certificate of licence by H.M. Greffier.

9. (1) Her Majesty's Greffier shall, as soon as may be after a licence has been granted under this Law, and may at any time thereafter, upon payment of a fee of [£5] or such other sum as the States may by Ordinance from time to time determine, issue to any person for the time being authorised to do anything under the licence a certificate, in such form as Her Majesty's Greffier may from time to time determine, as to the grant of the licence and containing a statement setting out all the particulars required to be specified in the licence by subsection [(5)] of section seven of this Law; and such certificate shall be held by

that person at all times while he is authorised as aforesaid.

(2) Any person authorised to do anything under a licence granted under this Law shall, upon being requested so to do by an officer of police or by any other person approached by him with the object of carrying out any transaction by virtue of that licence, forthwith produce the certificate issued under this section in respect of that licence to the officer of police or other person, as the case may be, for inspection.

NOTES

In section 9, the figures, symbol and parentheses in the first and second pairs of square brackets in subsection (1) were substituted by the Hawkers and Non-Resident Traders (Amendment) (Guernsey) Law, 1989, respectively section 4(c)(i) and section 4(c)(ii), with effect from 2nd October, 1989.

In accordance with the provisions of the Fees, Charges and Penalties (Guernsey) Law, 2007, section 1, Schedule, with effect from 19th May, 2008, the power to prescribe by Ordinance the fees therein referred to and payable under this Law may be exercised by Regulation.

Register of licences.

10. Her Majesty's Greffier shall keep a register of all licences granted under this Law and of any endorsements made in pursuance of the provisions of section thirteen or section fourteen of this Law in relation to any such licences.

Periods of validity of licences.

11. Unless ordered to be suspended or forfeited under the next following section, a licence granted under this Law shall be valid –

- (a) in the case of a Class 1 hawker's licence, for the period of three, six, nine or twelve months, whichever of those periods is specified in the licence as being the period of validity of the licence, commencing on the day on which the licence is so granted,
- (b) in the case of a Class 2 or Class 3 hawker's licence, for the period of six or twelve months, whichever of

those periods is specified in the licence as being the period of validity of the licence, commencing on the day on which the licence is so granted,

- (c) in the case of a Class 1 non-resident trader's licence, for the period of twelve months commencing on the day on which the licence is so granted, and
- (d) in the case of a Class 2 non-resident trader's licence, for the period during which the trades' exhibition in respect of which the licence has been granted is being held,

and any such licence, other than a Class 2 non-resident trader's licence, shall, after the expiration of the period for which the licence is valid in accordance with the foregoing provisions of this section and upon being renewed under and in accordance with section thirteen of this Law, be valid for such further period as shall be determined in accordance with those provisions.

Suspension and forfeiture of licences.

12. (1) The Ordinary Court may at any time, upon application being made in that behalf by a Law Officer of the Crown, make an order that a licence granted under this Law be suspended or revoked.

(2) Where a Law Officer intends to make such an application, he shall cause a summons to be served on the person who is the holder of the licence in question to appear before the Ordinary Court to show cause why an order should not be made under this section that the licence be suspended or revoked, as the case may be; and such summons shall state the grounds upon which the Law Officer intends to rely to support his application.

(3) The Ordinary Court may, upon application being made to it under this section for the forfeiture of a licence granted under this Law, order that the licence be suspended.

(4) A decision of the Ordinary Court to make or refuse to make

an order that a licence granted under this Law be suspended or revoked shall be final.

Renewal of licences.

13. (1) A current licence granted under this Law, other than a Class 2 non-resident trader's licence, may be renewed at any time before the date of expiry of the period of validity for which it is being held for the time being for a further period of the same duration commencing on the day next following that date upon payment to the [States Treasurer] of the fee payable under and in accordance with section fifteen of this Law in respect of the renewal of the licence:

Provided that in the case of a Class 2 or Class 3 hawker's licence granted or renewed under this Law for a period of six months, such licence may be renewed under this section for a period of twelve months upon payment to the [States Treasurer] of the appropriate fee specified as aforesaid.

(2) Where a licence granted under this Law has been renewed under this section, any person required under section nine of this Law to hold a certificate issued under that section in relation to any licence granted under this Law, shall produce the certificate to Her Majesty's Greffier who shall, upon payment of a fee of two pounds or such other sum as the States may by Ordinance from time to time determine, endorse on the certificate a statement as to the renewal of the licence under this section and the period for which it has been so renewed.

(3) Where a licence granted under this Law has been suspended by virtue of an order of the Royal Court made under the last foregoing section and where the period of the suspension will not terminate until after the unexpired portion of the period of validity for which the licence was held at the time of the making of such order, the licence may, notwithstanding that it is for the time being suspended, be renewed in accordance with subsection (1) of this section as if such order had not been made, but the licence shall not, after it has been so renewed, have any effect until after the period of the suspension has been terminated.

NOTE

In section 13, the words in square brackets in subsection (1) were

*substituted by the Chief Accountant (Transfer of Functions) (Guernsey) Ordinance, 2013, section 1, with effect from 1st December, 2013, subject to the savings and transitional provisions in section 2 of the 2013 Ordinance.*⁴

Substitution of employee authorised to act under a hawker's licence.

14. (1) Where a hawker's licence granted under this Law to an employer authorises any person, as the employee of the employer, to act under the licence on behalf of the employer and the employer desires any other person to act on his behalf under the authority of the licence as an employee of his in the place of that first-mentioned person (hereafter in this section referred to as "**the former authorised employee**"), whether by reason of the termination of the employment of the former authorised employee by the employer or otherwise, the employer may, upon obtaining beforehand the written permission of the Chief Officer of Police so to do, produce to Her Majesty's Greffier for endorsement under this section the certificate which the former authorised employee is or was required to hold under section nine of this Law in relation to that licence.

(2) Her Majesty's Greffier shall, upon the production of a certificate in pursuance of subsection (1) of this section and upon payment of a fee of two pounds or such other sum as the States may by Ordinance from time to time determine –

- (a) endorse the certificate with the name and address of the person who is to act under the authority of the licence to which the certificate relates in the place of the former authorised employee, and
- (b) cancel the name and address of the former authorised employee on the certificate,

and thereupon that person shall, for all the purposes of this Law, be deemed to be a person authorised by the licence to act under the licence as the employee of the employer.

(3) Without prejudice to the right of an employer to obtain the endorsement of a certificate under this section, upon the termination of his

employment by the employer the former authorised employee shall, for all the purposes of this Law, cease to be authorised to act under the licence to which the certificate relates.

Licence fees.

15. (1) There shall be paid to the [States Treasurer] in respect of the grant or renewal under this Law of a licence of any type and class specified in the first column of the First Schedule to this Law the fee specified in the third column of that Schedule in relation to that type and class of licence and in relation to the period of validity (if any) specified in the second column of that Schedule for which the licence is granted or renewed, as the case may be.

(2) The States may from time to time by Ordinance vary the amount of any fee specified in the third column of the First Schedule to this Law.

(3) Where the grant of a licence under this Law is refused by the Ordinary Court, the [States Treasurer] shall refund to the applicant for the licence the amount of any fee as aforesaid paid by the applicant in accordance with section six of this Law.

NOTES

In section 15, the words in square brackets were substituted by the Chief Accountant (Transfer of Functions) (Guernsey) Ordinance, 2013, section 1, with effect from 1st December, 2013, subject to the savings and transitional provisions in section 2 of the 2013 Ordinance.⁵

In accordance with the provisions of the Fees, Charges and Penalties (Guernsey) Law, 2007, section 1, Schedule, with effect from 19th May, 2008, the power to prescribe by Ordinance the fees therein referred to and payable under this Law may be exercised by Regulation.

Restriction on exercise of licences on Sundays and between 8 p.m. and 6 a.m. on other days.

16. Notwithstanding anything contained in this Law, a licence granted under this Law, other than a Class 2 non-resident trader's licence, shall not be taken to authorise any person to do anything under the authority of that licence at any time on a Sunday or between eight o'clock in the afternoon on any other day and six o'clock in the forenoon on the day next following.

Offences and penalties.

17. (1) A person who contravenes section one or section two of this Law shall be guilty of an offence and liable, on [summary] conviction, to a fine not exceeding –

- (a) in the case where the offence consists of doing anything required to be authorised under this Law by a Class 1 hawker's licence, [level 2 on the uniform scale],
- (b) in the case where the offence consists of doing anything required to be authorised under this Law by a Class 2 or Class 3 hawker's licence, [[level 5] on the uniform scale],
- (c) in the case where the offence consists of doing anything required to be authorised under this Law by a Class 1 non-resident trader's licence, [twice] [level 5 on the uniform scale], and
- (d) in the case where the offence consists of doing anything required to be authorised under this Law by a Class 2 non-resident trader's licence, [level 1 on the uniform scale],

and in the case of a second or subsequent offence against this subsection shall be liable, on [summary] conviction, to a fine not exceeding twice the maximum amount of the fine which would have been imposable under this subsection had that offence been a first such offence.

(2) A person who contravenes subsection (2) of section nine or section sixteen of this Law shall be guilty of an offence and liable, on [summary] conviction, to a fine not exceeding [[level 4] on the uniform scale].

(3) Where an offence under this Law committed by a body

corporate or the employee of a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to the neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in any such capacity, he, as well as the body corporate or the employee of the body corporate, as the case may be, shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

NOTES

In section 17,

the words in, first, the first and last pairs of square brackets in subsection (1) and, second, the first pair of square brackets in subsection (2) were inserted by the Hawkers and Non-Resident Traders (Amendment) (Guernsey) Law, 1989, respectively section 4(d)(i) and section 4(e)(i), with effect from 2nd October, 1989;

the words and figure in square brackets in paragraph (a) of subsection (1) were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(5), Schedule, Part I, with effect from 1st July, 1989;

the words and figures in, first, the square brackets in paragraph (b) of subsection (1), second, the second pair of square brackets in paragraph (c) of subsection (1), third, the square brackets in paragraph (d) of subsection (1) and, fourth, the second pair of square brackets in subsection (2) were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989;

the words and figure in, first, the square brackets within the square brackets in paragraph (b) of subsection (1) and, second, the first pair of square brackets in paragraph (c) of subsection (1) were substituted by the Hawkers and Non-Resident Traders (Amendment) (Guernsey) Law, 1989, respectively section 4(d)(ii) and section 4(d)(iii), with effect from 2nd October, 1989;

the word and figure in square brackets within the second pair of square brackets in subsection (2) were substituted by the Hawkers and Non-Resident Traders (Amendment) (Guernsey) Law, 1989, section 4(e)(ii), with effect from 2nd October, 1989.

Repeals.

18. The enactments specified in the Second Schedule to this Law are hereby repealed.

Savings.

19. Notwithstanding the repeal of any enactment under the last foregoing section, nothing in this Law contained shall be taken to prohibit anything which would, but for the repeal of that enactment, have been authorised to be done by a licence granted under the Law of 1932 and in force immediately before the commencement of this Law for so long as that licence remains in force under and in accordance with the provisions of the Law of 1932 as having effect by virtue of this section; and the Law of 1932 shall continue to have effect in relation to that licence in all respects as if this Law had not been passed:

Provided that the provisions of this Law as to the fees payable on the renewal of a licence granted under this Law and as to the suspension and revocation of a licence granted under this Law shall have effect in relation to any such licence granted under the Law of 1932 as if it were a licence of the corresponding class granted under this Law.

Interpretation.

20. (1) In this Law, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say –

"article" includes any substance but does not include intoxicating liquor, meat, milk, milk products, tobacco, or any daily or other periodical newspaper or magazine,

"[the Committee]" means the [States of Guernsey [Committee for Home Affairs]] or such other Committee or like body of the States as the States may by [Resolution] appoint,]

"Chief Officer of Police" means the Chief Officer of Police of the salaried police force of the Island,

"current" means for the time being in force,

"dealer", in relation to any article, means a person who carries on or is employed in carrying on the trade or business of selling that article,

"employment" means employment under any contract, whether written or oral and whether expressed or implied, which is a contract of service or contract for services; and **"employ"**, **"employee"** and **"employer"** shall be construed accordingly,

"food" includes drink, chewing gum and other products of a like nature and use, and articles used as ingredients in the preparation of food or drink or other such products,

"hawker's licence" means a licence granted under this Law authorising a person to go from place to place for any of the purposes mentioned in subsection (1) of section one of this Law,

"intoxicating liquor" includes spirits, wines, beer, porter, cider and perry,

"the Island" means the Island of Guernsey and includes the Islands of Herm and Jethou,

"the Law of 1932" means the Hawkers (Guernsey) Law, 1932^a,

"meat" has the same meaning as in any enactment for the time being in force relating to the licensing of butchers,

"milk" and **"milk products"** have the same meanings respectively as in the Milk and Milk Products (Guernsey) Law, 1955^b,

"a non-resident" means a person who is not a resident,

"non-resident trader's licence" means a licence granted under this Law authorising a non-resident to occupy temporarily any premises in the Island for any of the purposes mentioned in subsection (1) of section two of this Law,

^a Ordres en Conseil Vol. IX, p. 209.

^b Ordres en Conseil Vol. XVI, p. 193.

"officer of police" means a member of the salaried police force of the Island and, within the limits of his jurisdiction, a member of the special constabulary of the Island,

"the Ordinary Court" means the Royal Court sitting as an Ordinary Court,

"premises" includes any place and, in particular, includes any vehicle, vessel, tent or movable structure,

"resident" means –

- (a) in the case of an individual and in relation to any period of twelve consecutive months –
 - (i) an individual born and ordinarily resident in the Island, and
 - (ii) an individual born elsewhere than in the Island who has been ordinarily resident in the Island for a period of not less than five months, or for periods of not less than five months in the aggregate during that period of twelve consecutive months,
- (b) in the case of a body corporate, a body corporate which is incorporated under the law of Guernsey and which is not liable in that year to pay corporation tax under the provisions of the Corporation Tax (Guernsey) Law, 1950^c,

"sale by retail" means any sale to a person buying otherwise than for the purpose of resale,

^c Ordres en Conseil Vol. XIV, p. 371.

"sell" includes offer or agree to sell or expose for sale; and "sale" and "selling" and any other cognate expressions shall be construed accordingly,

"substance" includes a liquid.

(2) The States may from time to time by Ordinance vary the meaning assigned to the expression "article" by subsection (1) of this section.

(3) For the purposes of this Law, a person shall be taken to be temporarily occupying any premises where he occupies and uses the premises otherwise than as the owner thereof or, not being the owner thereof, otherwise than under a lease or tenancy agreement for a term certain exceeding six months.

(4) Except in so far as the context otherwise requires, any reference in this Law to an enactment shall be construed as including a reference to that enactment as amended, extended, repealed or replaced by or under any other enactment.

NOTES

In section 20,

the words in the first pair of square brackets in subsection (1) were inserted by the Hawkers and Non-Resident Traders (Amendment) (Guernsey) Law, 1989, section 4(f), with effect from 2nd October, 1989;

the words in the second pair of square brackets within the definition of the expression "the Committee" in subsection (1) were substituted by the Board of Employment, Industry and Commerce (Transfer of Functions) Ordinance, 1996, section 3, Schedule 2, paragraph 7, with effect from 31st October, 1996;⁶

the words, first, "the Committee" and, second, "Committee for Home Affairs" in square brackets in subsection (1), wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 5(1), Schedule 3, paragraph 7 and section 2, Schedule 1, paragraph 1(d), Schedule 2, Part 1, paragraph 3, with effect from 1st May, 2016;⁷

the word in the second pair of square brackets within the definition of the expression "the Board" was substituted by the States Committees (Constitution and Amendment) (Guernsey) Law, 1991, section 3(1), with

effect from 20th January, 1992.

The functions, rights and liabilities of the Commerce and Employment Department and of its Minister or Deputy Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the Committee for Home Affairs and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 1(d), Schedule 2, Part 1, paragraph 3, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.⁸

In accordance with the provisions of the Police Force (Guernsey) Law, 1986, section 2(2), with effect from 19th August, 1986, the reference herein to a member of the salaried police force of the Island of Guernsey shall include a reference to a member of a force present in the Island by virtue of an agreement made under section 1 of the 1986 Law.

The Corporation Tax (Guernsey) Law, 1950 has since been repealed by the Income and Corporation Taxes (Amendment) (Guernsey) Law, 1989, section 3(1), Schedule, with effect from 1st January, 1990, subject to the savings in section 3(2) of the 1989 Law.

Citation and commencement.

21. (1) This Law may be cited as the Hawkers and Non-Resident Traders (Guernsey) Law, 1980.

(2) This Law shall come into force on such day as shall be appointed in that behalf by Ordinance of the States.

NOTE

The Law was brought into force on 1st March, 1981 by the Hawkers and Non-Resident Traders (Guernsey) Law, 1980 (Commencement) Ordinance, 1981, section 1.

FIRST SCHEDULE Section fifteen
[FEES PAYABLE ON THE GRANT AND RENEWAL OF LICENCES]

Type and class of licence (1)	Period of validity (2)	Fee (3)
		£
Class 1 hawker's licence	3 months	15.00
	6 months	30.00
	9 months	45.00
	12 months	60.00
Class 2 and Class 3 hawker's licence	6 months	150.00
	12 months	300.00
Class 1 non-resident trader's licence	12 months	2,000.00
Class 2 non-resident trader's licence	Period of exhibition	50.00

NOTE

In the First Schedule, the table of fees was substituted by the Hawkers and Non-Resident Traders (Amendment) (Guernsey) Law, 1989, section 4(g), with effect from 2nd October, 1989.

SECOND SCHEDULE
ENACTMENTS REPEALED

Section eighteen

The Hawkers (Guernsey) Law, 1932.

The Hawkers (Amendment) (Guernsey) Law, 1939^d.

The Law entitled "The Hawkers (Amendment) (Guernsey) Law, 1951", registered on the twenty-fourth day of November, nineteen hundred and fifty-one^e.

The Hawkers (Amendment) (Guernsey) Law, 1969^f.

¹ This word was previously substituted by, first, the Hawkers and Non-Resident Traders (Amendment) (Guernsey) Law, 1989, section 4(a), with effect from 2nd October, 1989, and the functions of the States Advisory and Finance Committee and of its President under subsection (3) of section 4 were previously transferred respectively to the Board (then the Board of Trade and Industry) and to its President by the Hawkers and Non-Resident Traders (Amendment) (Guernsey) Law, 1989, section 1, with effect from 2nd October, 1989, subject to the savings in section 2 of the 1989 Law; and, second, by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 5, with

^d Ordres en Conseil Vol. XI, p. 448.

^e Ordres en Conseil Vol. XV, p. 207.

^f Ordres en Conseil Vol. XXII, p. 256.

effect from 6th May, 2004.

² These words were previously substituted by, first, the Hawkers and Non-Resident Traders (Amendment) (Guernsey) Law, 1989, respectively section 4(b)(i) and section 4(b)(ii), with effect from 2nd October, 1989, and the functions of the States Advisory and Finance Committee and of its President under subsection (2) of section 5 were previously transferred respectively to the Board (then the Board of Trade and Industry) and to its President by the Hawkers and Non-Resident Traders (Amendment) (Guernsey) Law, 1989, section 1, with effect from 2nd October, 1989, subject to the savings in section 2 of the 1989 Law; and, second, by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 5, with effect from 6th May, 2004.

³ These words were previously substituted by the States Treasurer (Transfer of Functions) (Guernsey) Ordinance, 2008, section 1, with effect from 1st February, 2008, subject to the savings and transitional provisions in section 2 of the 2008 Ordinance.

⁴ These words were previously substituted by the States Treasurer (Transfer of Functions) (Guernsey) Ordinance, 2008, section 1, with effect from 1st February, 2008, subject to the savings and transitional provisions in section 2 of the 2008 Ordinance.

⁵ These words were previously substituted by the States Treasurer (Transfer of Functions) (Guernsey) Ordinance, 2008, section 1, with effect from 1st February, 2008, subject to the savings and transitional provisions in section 2 of the 2008 Ordinance.

⁶ These words were previously substituted, in part, by the Transfer of Functions Ordinance, 1991, section 4, Schedule 3, paragraph 14, with effect from 31st July, 1991.

⁷ The words "Committee for Home Affairs" were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 5, with effect from 6th May, 2004.

⁸ The functions, rights and liabilities of the Commerce and Employment Department and its Minister arising under or by virtue of this Law were previously transferred to them from the Board of Industry and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 5, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance; the functions of the Board of Industry under this Law were previously transferred to it from the Board of Employment, Industry and Commerce by the Board of Employment, Industry and Commerce (Transfer of Functions) Ordinance, 1996, section 1, Schedule 1, paragraph 7, with effect from 31st October, 1996, subject to the savings and transitional provisions in section 2 of the 1996 Ordinance. The functions of the Board of Employment, Industry and Commerce were previously transferred to it from the Board of Trade and Industry by the Transfer of Functions Ordinance, 1991, section 1, Schedule 1, paragraph 2, with effect from 31st July, 1991, subject to the savings and transitional provisions in section 3 of the 1991 Ordinance.