



Jersey

# **PRICE INDICATORS (JERSEY) REGULATIONS 2008**

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# PRICE INDICATORS (JERSEY) REGULATIONS 2008

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## PRICE INDICATORS (JERSEY) REGULATIONS 2008

**THE STATES**, in pursuance of Article 2 of the [Price and Charge Indicators \(Jersey\) Law 2008](#), have made the following Regulations –

Commencement [[see endnotes](#)]

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### **1 Interpretation**

In these Regulations, unless the context otherwise requires –

“advertisement” means any form of advertisement which is made in order to promote the sale of goods, but does not include –

- (a) any advertisement by means of which a trader intends to encourage a consumer to enter into a distance contract;
- (b) a catalogue or price list; or
- (c) a container or label;

“base price” means the price charged by a trader to a consumer for a unit of goods or a given quantity of goods, exclusive of GST;

“consumer” means an individual who buys goods for purposes that do not fall within the sphere of his or her commercial or professional activity;

“distance contract” means any contract concerning goods concluded between a trader and a consumer, by any means, without the simultaneous physical presence of the trader and consumer;

“food” has the meaning given by Article 1 of the [Food Safety \(Jersey\) Law 1966](#);

“goods sold from bulk” means goods which are not pre-packaged and are weighed or measured at the request of the consumer;

“GST” means the goods and services tax charged under the [Goods and Services Tax \(Jersey\) Law 2007](#);

“motor fuel” means petroleum-spirit and diesel fuel;

“motor vehicle” and “petroleum-spirit” have the meanings given respectively to those expressions by Article 1 of the [Petroleum \(Jersey\) Law 1984](#);

“selling price” means the final price to the consumer of a unit of goods, or a given quantity of goods, being the base price plus the GST (if any) charged on its supply;

“trader” means a person who sells or offers or exposes for sale goods which fall within his or her commercial or professional activity;

“UK price” means a price inclusive of VAT at which goods identical to goods offered by a trader for sale to consumers in Jersey are offered by that trader for sale to consumers in the United Kingdom (and, in a case where the trader offers the goods for sale to consumers at more than one location in the United Kingdom, a price is not a UK price unless it is the price charged in respect of the goods at each and every such location);

“unit of measurement” means one kilogram, one pound, 100 grams, one quarter pound, one litre, one pint, one metre, one yard, one square metre, one square yard, one cubic metre or one cubic yard;

“VAT” means value added tax as charged in accordance with the Value Added Tax Act 1994 of the United Kingdom.<sup>1</sup>

## **2 Requirement to indicate price of goods**

- (1) Where a trader indicates that any goods are or may be for sale to a consumer, the trader shall indicate the selling price of the goods in accordance with Regulations 3 to 5.
- (2) Paragraph (1) shall not apply –
  - (a) to goods which are supplied in the course of the provision of a service;
  - (b) to sales by auction or sales of works of art or antiques;
  - (c) except as provided in Regulation 6, to an advertisement for the goods.
- (3) The reference in paragraph (2)(a) to the supply of goods in the course of the provision of a service includes –
  - (a) the supply of food on premises licensed under the [Licensing \(Jersey\) Law 1974](#); and
  - (b) the supply of food at any place of refreshment within the meaning of the [Places of Refreshment \(Jersey\) Law 1967](#).

## **3 Price to be indicated**

- (1) Prices shall be indicated in sterling.
- (2) The selling price to be indicated in respect of goods sold from bulk shall be –
  - (a) where the goods are sold by number, the selling price per individual item of the goods;

- (b) in any other case, the selling price per stated unit of measurement of the goods.
- (3) Subject to paragraph (4), the selling price to be indicated in respect of goods which are not goods sold from bulk shall be the selling price of the goods per unit of sale.
- (4) Where –
  - (a) before its importation into Jersey, food is packaged in the units in which it is to be sold to consumers and a price, in sterling, is marked on the packaging; and
  - (b) the price marked on the packaging is not the selling price,the selling price may be indicated by a combination of the price marked on the packaging and either –
  - (i) an indication of the selling price of the food in proximity to the food and a notice indicating that the selling price of the food is that price and not the price marked on the packaging, or
  - (ii) an indication of the amount, or of the percentage of the price marked on the packaging, which is to be added to that price in order to determine the selling price.<sup>2</sup>
- (5) Where –
  - (a) a newspaper, periodical or book is printed with a price, in sterling, marked on it before its importation into Jersey, or is imported into Jersey in digital format with a price, in sterling, marked on it and is printed in Jersey with that price marked on it; and
  - (b) the price marked on the newspaper, periodical or book is not the selling price,the selling price may be indicated by a combination of the price marked on the newspaper, periodical or book and either –
  - (i) an indication of the selling price of the newspaper, periodical or book in proximity to the newspaper, periodical or book and a notice indicating that the selling price of the newspaper, periodical or book is that price and not the price marked on the newspaper, periodical or book, or
  - (ii) an indication of the amount, or of the percentage of the price, marked on the newspaper, periodical or book which is to be added to that price in order to determine the selling price.<sup>3</sup>
- (6) Any charge that is made for postage, package or delivery of the goods shall also be indicated.

#### **4 Manner and placement of indicators**

- (1) Prices, amounts, percentages and charges required to be indicated in accordance with Regulation 3 shall be displayed –
  - (a) in a manner that is unambiguous, easily identifiable and clearly legible;

- (b) subject to paragraph (4), on or in proximity to the goods; and
  - (c) so placed as to be available to consumers without the need for them to seek assistance from the trader or someone on the trader's behalf to ascertain the selling price.
- (2) Except as permitted by paragraph (3) or Regulation 5, the requirement in paragraph (1)(a) to display a price in a manner that is unambiguous shall not be satisfied where –
  - (a) a price is marked on goods which is not the selling price; and
  - (b) the selling price is indicated in proximity to the goods (whether or not there is also an indication that the price marked on the goods is not the selling price).
- (3) The requirement in paragraph (1)(a) to display a price in a manner that is unambiguous may be satisfied, in a case described in Regulation 3(4)(a) and (b) or (5)(a) and (b), where there is indicated in proximity to the goods –
  - (a) the selling price; and
  - (b) that the price marked on the goods or, as the case requires, printed on the newspaper, periodical or book, is not the selling price.
- (4) Paragraph (1)(b) shall not apply to an indication given in relation to any item of jewellery, item of precious metal or watch displayed in a window of the premises where it is or may be for sale, if the price exceeds £3,000.
- (5) Subject to the exception in paragraph (7), paragraphs (6) to (8) of this Regulation apply in the case of motor fuel sold from bulk, and in respect of each type and grade of such fuel.<sup>4</sup>
- (6) Where this paragraph applies, the requirement in paragraph (1)(a) to display a price in a manner which is unambiguous shall not be satisfied where a price is displayed (whether in proximity to the selling price or otherwise) –
  - (a) which is not the selling price at which a unit of fuel is offered for sale generally to all consumers, but
  - (b) is a price at which fuel is offered for sale to a particular class of consumers only, whether by reason of any condition attaching to the sale or for any other reason whatever.<sup>5</sup>
- (7) Nothing in paragraph (6) shall prevent fuel being offered for sale at a discounted price, provided that the discounted price and the conditions, if any, upon which the discount is made available are indicated as such and displayed in accordance with these Regulations (except that paragraph (8) shall not apply in respect of a discounted price).<sup>6</sup>
- (8) Where this paragraph applies, the requirement in paragraph (1)(a) to display a price in a manner that is clearly legible and the requirement in paragraph (1)(c) shall not be satisfied unless the selling price per stated unit of measurement of the fuel is displayed –
  - (a) on the premises from which the fuel is sold;
  - (b) for a period which must be no shorter than the period during which the premises are open for sale of the fuel; and



- (c) in such a manner that the selling price may easily be read –
  - (i) by a person in a motor vehicle on the highway,
  - (ii) from whichever direction such a person may lawfully approach and enter the premises.<sup>7</sup>

## **5 Price reductions<sup>8</sup>**

- (1) This Regulation applies where a trader proposes to sell goods to which the requirement in Regulation 2 applies –
  - (a) at less than the UK price applicable in respect of such goods; or
  - (b) at less than the selling price previously applicable.
- (2) Where this Regulation applies by reason of the case described in paragraph (1)(a), the trader shall be taken to have satisfied the requirement to indicate the selling price if the trader indicates one of the following –
  - (a) the UK price together with the percentage which is to be deducted from that price in order to determine the selling price;
  - (b) the UK price together with, in close proximity to the goods, the selling price; or
  - (c) the UK price and, by a general notice or other visible means, that the goods are or may be for sale at a reduction.
- (3) Where this Regulation applies by reason of the case described in paragraph (1)(b), the trader shall be taken to have satisfied the requirement to indicate the reduced selling price if the trader indicates, by a general notice or other visible means, that the goods are or may be for sale at a reduction.
- (4) For the purposes of paragraph (2) it does not matter whether the UK price is marked or printed on the goods or on the packaging of the goods or is otherwise attached to the goods or is displayed in proximity to the goods.
- (5) The details of a reduction shall be displayed in a manner that is unambiguous, easily identifiable and clearly legible, and for this purpose ‘reduction’ includes the percentage to be deducted as required by paragraph (2)(a).

## **6 Application to prices indicated in advertisements**

- (1) This Regulation applies where a trader chooses to indicate, in an advertisement, the price of goods which are or may be for sale to a consumer.
- (2) Prices shall be indicated in sterling.
- (3) The selling price to be indicated in respect of goods sold from bulk shall be the price required by Regulation 3(2).
- (4) The selling price to be indicated in respect of goods which are not goods sold from bulk shall be the selling price of the goods per unit of sale.

- (5) Any charge which is made for the postage, package or delivery of the goods shall also be indicated.
- (6) The price and any charge shall be indicated in a manner that is unambiguous.

## 7 Offences

- (1) A person who contravenes any requirement of these Regulations is guilty of an offence and liable to a fine of level 3 on the standard scale.
- (2) Where the commission by a person of an offence under paragraph (1) 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 Article 2(5)(a) of the [Price and Charge Indicators \(Jersey\) Law 2008](#), whether or not proceedings are taken against the first-mentioned person.
- (3) In any proceedings for an offence under paragraph (1) it shall, subject to paragraph (4), be a defence for the person charged to prove –
  - (a) 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
  - (b) 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.
- (4) Where, in any case, the defence provided by virtue of paragraph (3) 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.

## 8 Citation

These Regulations may be cited as the Price Indicators (Jersey) Regulations 2008.

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement
Price Indicators (Jersey) Regulations 2008	<a href="#">R&amp;O.43/2008</a>	1 May 2008
Price Indicators (Amendment) (Jersey) Regulations 2012	<a href="#">R&amp;O.104/2012</a>	19 September 2012
Price Indicators (Amendment No. 2) (Jersey) Regulations 2016	<a href="#">R&amp;O.109/2016</a>	18 October 2016

### Table of Renumbered Provisions

Original	Current
None	

### Table of Endnote References

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<sup>1</sup> Regulation 1	<i>amended by R&amp;O.104/2012</i>
<sup>2</sup> Regulation 3(4)	<i>substituted by R&amp;O.109/2016</i>
<sup>3</sup> Regulation 3(5)	<i>substituted by R&amp;O.109/2016</i>
<sup>4</sup> Regulation 4(5)	<i>added by R&amp;O.104/2012</i>
<sup>5</sup> Regulation 4(6)	<i>added by R&amp;O.104/2012</i>
<sup>6</sup> Regulation 4(7)	<i>added by R&amp;O.104/2012</i>
<sup>7</sup> Regulation 4(8)	<i>added by R&amp;O.104/2012</i>
<sup>8</sup> Regulation 5	<i>substituted by R&amp;O.104/2012</i>