



Jersey

COVID-19 (RESTRICTED TRADING) (JERSEY) ORDER 2020

Official Consolidated Version

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COVID-19 (RESTRICTED TRADING) (JERSEY) ORDER 2020

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Jersey

COVID-19 (RESTRICTED TRADING) (JERSEY) ORDER 2020

THE MINISTER FOR HEALTH AND SOCIAL SERVICES makes this Order, after consulting with the Medical Officer of Health and the Minister for Economic Development, Tourism, Sport and Culture, under Regulations 2 and 3 of the Covid-19 (Restricted Trading) (Jersey) Regulations 2020 –

Commencement [[see endnotes](#)]

1 Interpretation

In this Order –

“food and drink premises” means premises (whether or not licensed premises under the [Licensing \(Jersey\) Law 1974](#)) that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes the following –

- (a) a restaurant, café or public bar (whether or not the premises form part of commercial accommodation);
- (b) takeaway food and drink premises;
- (c) premises operating with the permission of the Minister for Economic Development, Tourism, Sport and Culture under the [Policing of Beaches \(Jersey\) Regulations 1959](#);
- (d) registered premises operating under a valid registration certificate issued under the [Places of Refreshment \(Jersey\) Law 1967](#); and

“retail premises” means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, but does not include food and drink premises.

2 Declaration of start and end of restricted trading period¹

A period of restricted trading –

- (a) starts on the coming into force of this Order; and
- (b) ends at the end of Sunday 24th May 2020.

3 Closure of certain premises

- (1) The Minister directs that the following must be closed to members of the public –

- (a) amusement centres;
 - (b) art galleries, libraries and museums;
 - (c) business premises that are used for the purpose of auction houses or betting agencies;
 - (d) business premises that are used for the purpose of –
 - (i) spas, nail salons, beauty salons, waxing salons, tanning salons, hair laser removal,
 - (ii) tattoo or piercing parlours or massage parlours, or
 - (iii) providing haircuts, hair styling or the professional application of make up;
 - (e) entertainment facilities;
 - (f) indoor recreation facilities;
 - (g) nightclubs;
 - (h) outdoor playgrounds and gymnasium equipment in public places;
 - (i) public swimming and paddling pools;
 - (j) soft play centres;
 - (k) subject to Article 4(1)(g) and (k), retail premises.²
- (2) In this Article –

“amusement centre” means a building or place used principally for playing billiards or other like games, electronic or mechanical amusement devices such as pinball machines, video or arcade games and the like;

“entertainment facility” means a concert hall, dance hall, theatre, cinema and the like;

“indoor recreation facility” means a building or place used predominantly for indoor recreation, including a squash court, indoor sport court, gymnasium, bowling alley or any other building or place of a like character used for indoor recreation; and

“nightclub” means premises holding a licence of the seventh category (referred to as an “Entertainment Licence”) under the [Licensing \(Jersey\) Law 1974](#), the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not food is sold on the premises.

4 Specified premises open to the public for a certain purpose

- (1) The Minister directs that the following may be open to members of the public only for the purpose specified in this Article –
- (a) boarding houses, caravan parks, camping grounds and hostels for the purpose of accommodating permanent residents of the boarding house, caravan park, camping ground or hostel;
 - (b) commercial accommodation for the purpose of accommodating (including providing food and beverages to persons using the accommodation to consume in their room) persons who are employed or contracted to work in Jersey for a purpose relating to the Covid-19 outbreak;
 - (c) community centres for the purpose of providing services, free of charge, to assist vulnerable members of the public, such as food banks, blood donations or services providing for the needs of homeless people;

- (d) food and drink premises (whether or not part of premises specified in paragraph (1)(i) or (j)) for the purpose of –
 - (i) selling food or beverages for persons to consume off the premises,
 - (ii) selling food or beverages other than intoxicating liquor for persons to consume in an outdoor area, or
 - (iii) selling intoxicating liquor to persons taking a meal (as defined in the [Licensing \(Jersey\) Law 1974](#)) in an outdoor area;
- (e) golf courses for the purpose of allowing access to open spaces to be used for the purpose of playing golf;
- (f) markets for the purpose of enabling food and drink premises and permitted shops to open for the purpose specified in sub-paragraphs (d) and (g) respectively;
- (g) permitted shops for the purpose of selling the goods and merchandise ordinarily sold by those shops;
- (h) places of public worship for the purpose of conducting a funeral service or facilitating the formation of a marriage;
- (i) outdoor recreational facilities (excluding retail premises forming part of the facility) for the purposes of –
 - (i) allowing the use of recreational facilities in outdoor areas,
 - (ii) hiring out equipment to persons who intend to participate in recreational activities in outdoor areas,
 - (iii) carrying out instructional recreational activities in outdoor areas, and
 - (iv) if reasonably necessary, allowing members of the public to transit through indoor areas for a purpose mentioned in clause (i), (ii) or (iii), including ticketing;
- (j) business premises (other than retail premises) controlled or operated by Jersey Heritage or the Durrell Wildlife Conservation Trust for the purposes of –
 - (i) allowing visitors to access outdoor areas, and
 - (ii) if reasonably necessary, allowing visitors to transit through indoor areas for that purpose, including ticketing;
- (k) retail premises for the purpose of hiring out recreational equipment, including equipment ordinarily used on a beach, to persons who intend to participate in recreational activities in outdoor areas.³

(2) In this Article –

“commercial accommodation” means a building or place (whether or not licensed premises under the [Licensing \(Jersey\) Law 1974](#)) that provides temporary or short-term accommodation on a commercial basis and that –

- (a) comprises rooms or self-contained accommodation; and
- (b) provides meals to guests or the general public,

but does not include boarding houses, caravan parks, camping grounds or premises used for the purpose of a care home service regulated under the [Regulation of Care \(Jersey\) Law 2014](#);

“community centre” means a building or place owned or operated by a parish or a non-profit community organisation used primarily for the physical, social, cultural or intellectual development or welfare of the community;

“indoor area” means an area, room or other premises that is or are substantially enclosed by a roof and walls, regardless of whether the roof or walls or any part of the roof or walls are –

- (a) permanent or temporary; or
- (b) open or closed;

“intoxicating liquor” has the same meaning as in the [Licensing \(Jersey\) Law 1974](#);

“market” means an open-air area, or an existing building, that is used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent shops or stall holders, and includes existing permanent structures used for that purpose on an intermittent or occasional basis;

“outdoor area” means an area that is not an indoor area;

“outdoor recreational facility” means a building, place or area used exclusively or predominantly for outdoor recreation, whether or not operated for the purposes of gain, including an outdoor activity centre, a mini-golf facility, tennis courts, a lawn bowling green, an equestrian centre or horse riding school, a shooting range or a surfing school, or any other building or place of a like character used for outdoor recreation (including any ancillary buildings).

“permitted shop” means any of the following types of retail premises –

- (a) dry cleaning premises, being premises used for providing dry cleaning services to members of the public;
- (b) garden centres, being premises the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment;
- (c) hardware and building supply shops, being premises the principal purpose of which is the sale or hire of goods and materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas;
- (d) newsagents, being premises the principal purpose of which is the retail sale of newspapers, cards and magazines;
- (e) off-licences, being premises holding a licence of the sixth category (referred to as an “Off-Licence”) under the [Licensing \(Jersey\) Law 1974](#);
- (f) pharmacies and chemists;
- (g) post offices;
- (h) service or fuel stations (including heating fuel retailers), being premises used for the retail sale of fuels and lubricants for motor vehicles, whether or not the premises is also used for the ancillary retail sale of spare parts and accessories or general merchandise, or the cleaning of motor vehicles;
- (i) specialist bicycle sale and repair shops, being premises used for the sale, hire and repair of bicycles and the like;
- (j) specialist mobile phone retailers, being premises used for the retail sale of mobile phones and mobile phone accessories;
- (k) specialist office supply shops, being premises used for the retail sale of office supplies such as stationery, printers, computers and other office accessories;
- (l) specialist pet shops, being premises used for the retail sale of pet supplies;
- (m) supermarkets and corner shops, being premises the principal purpose of which is the sale of groceries and foodstuffs to provide for the day-to-day needs of

- members of the public, and may include ancillary services such as a post office or dry cleaning;
- (n) vehicle repair premises, being premises used for the purpose of carrying out repairs to, or the selling and fitting of accessories to, vehicles, boats, agricultural machinery and the like;
 - (o) vehicle sales or hire premises, being premises used for the display, sale or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed on the premises;
 - (p) haberdasheries, being premises the principal purpose of which is the retail sale of material or fabric, buttons and other items used for sewing;
 - (q) electrical goods retailers, being premises used for the purpose of selling electronic goods, equipment and accessories;
 - (r) large shops, being premises with a retail sales area (within the meaning of the [Shops \(Regulation of Opening\) \(Jersey\) Regulations 2011](#)) of at least 700 square metres.⁴
- (3) Nothing in this Article prevents the use of business premises –
- (aa) to provide reasonable access to toilet facilities or to administer appropriate first aid;
 - (a) to provide services, free of charge, to assist vulnerable members of the public, such as food banks, blood donations or services providing for the needs of homeless people; or
 - (b) to provide accommodation (including providing food and beverages to persons using the accommodation to consume in their room) to a person accessing a public service (including emergency accommodation) whether provided by the Government of Jersey, a private provider or a non-profit organisation.⁵

5 Prescribed distance

For the purpose of Regulation 4(3)(a) of the Covid-19 (Restricted Trading) (Jersey) Regulations 2020, the prescribed distance is 2 metres.

6 General exception to restriction on trading

Nothing in this Order prevents the use of business premises for the purpose of providing a service to deliver to a person, or to arrange the collection by a person of, goods, merchandise and materials purchased by a person off the premises.

7 Citation and commencement

This Order may be cited as the Covid-19 (Restricted Trading) (Jersey) Order 2020 and comes into force on the day after it is made.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement	◦Projet No (where applicable)
Covid-19 (Restricted Trading) (Jersey) Order 2020	R&O.57/2020	2 May 2020	
Covid-19 (Restricted Trading) (Amendment) (Jersey) Order 2020	R&O.61/2020	11 May 2020	

◦Projets available at statesassembly.gov.je

Table of Endnote References

¹ Article 2	<i>Amended by R&O.61/2020</i>
² Article 3(1)	<i>Amended by R&O.61/2020</i>
³ Article 4(1)	<i>Amended by R&O.61/2020</i>
⁴ Article 4(2)	<i>Amended by R&O.61/2020</i>
⁵ Article 4(3)	<i>Amended by R&O.61/2020</i>