



Jersey

CONSUMER PROTECTION (JERSEY) LAW 1964

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CONSUMER PROTECTION (JERSEY) LAW 1964

Arrangement

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Jersey

CONSUMER PROTECTION (JERSEY) LAW 1964

A **LAW** to make provision for the protection of consumers

Commencement [[see endnotes](#)]

1 Interpretation

In this Law unless the context otherwise requires –

“Committee” means the Economic Development Committee;¹

“component part” includes an accessory;

“credit-sale agreement” means an agreement for the sale of goods under which the whole or part of the purchase price is payable by instalments;

“hire-purchase agreement” means an agreement for the bailment of goods under which the bailee may buy the goods or under which the property in the goods will or may pass to the bailee, whether on the performance of any act by the parties to the agreement or any of them or in any other circumstances;

“personal injury” includes disease or disability;

“prescribed” means prescribed by an Order made by the Committee under Article 2.

2 Orders

- (1) The Committee may by Order impose as respects any prescribed class of goods –
 - (a) any such requirements, whether as to the composition or contents, design, construction, finish or packing of, or otherwise relating to, goods of that class or any component part thereof, as are in the opinion of the Committee expedient to prevent or reduce risk of death or personal injury;
 - (b) any such requirements for securing that goods of that class or any component part thereof are in the prescribed manner marked with

or accompanied by any prescribed warning or instructions, or any prescribed form of warning or instructions, which in the opinion of the Committee is or are expedient as aforesaid.

- (2) Requirements may be imposed under this Article either as respects all goods of a prescribed class or as respects any prescribed description of such goods, and either generally or in prescribed circumstances, and any Order under this Article may make different provision for different cases.
- (3) Any Order under this Article may provide that the Schedule shall have effect in relation to goods of any class prescribed under this Article, or to such goods and to goods of which such goods are a component part.
- (4) A class or description of goods may be prescribed under this Article notwithstanding that the goods are for use only as component parts of other goods (whether or not those other goods are goods of a prescribed class or description).
- (5) Before making any Order under this Article, the Committee shall consult with such persons or bodies of persons as appear to it requisite.
- (6) The Subordinate Legislation (Jersey) Law 1960,² shall apply to Orders made under this Law.

3 Prohibition on import, sale etc. of goods not complying with Orders

- (1) Subject to the provisions of this Article, no person shall import into Jersey in the course of a business, or sell, or have in the person's possession for the purpose of selling, any goods as respects which or a component part of which any requirements of any Order under Article 2 are in force unless all requirements of the Order relating to the goods or component part are complied with.
- (2) Subject to the provisions of this Article, no person shall import into Jersey, or sell, or have in the person's possession for the purpose of selling, a component part intended for, but not embodied in, any goods as respects which any requirements of any Order under Article 2 are in force, being a component part such that if it were embodied in the goods any requirement of the Order applicable to the goods would be contravened or not complied with.
- (3) The foregoing provisions of this Article shall not apply to a person –
 - (a) where the person is acting otherwise than in the course of a business, or as agent, or as the servant of the agent, of a person who was not acting in the course of a business in entrusting the goods to an agent;
 - (b) where the person reasonably believes that the goods or component parts will not be used in Jersey;
 - (c) in the case of a sale under a credit-sale agreement, if the person has at no time had possession of the goods or component parts and only became the owner thereof at the time of entering into the agreement;
 - (d) where the person is selling, or as the case may be is importing or is in possession for the purpose of selling, the goods or component

parts as scrap, that is to say for the value of the materials of which the goods or parts are composed and not for use as finished articles; or

- (e) in the case of goods or component parts which have been damaged by, or in consequence of, fire or flooding, where the person is selling, or as the case may be is importing or is in possession for the purpose of selling, the goods or component parts to a person who carries on a business of buying damaged goods and repairing or reconditioning them for resale, or to a person by whom the goods or parts were insured against damage.
- (4) As respects any requirement relating to the manufacture of goods or a component part of goods, unless any Order under Article 2 otherwise provides, paragraphs (1) and (2) shall not apply in relation to goods or component parts manufactured before the imposition of the requirement, or if it is so provided by any such Order shall not apply in relation to such goods or component parts until a prescribed date.
- (5) Orders under Article 2 may contain such other exemptions from the operation of paragraphs (1) and (2) applicable in such cases as may be prescribed, as appear to the Committee necessary or expedient.
- (6) If as respects goods of any class or description any Order under Article 2 so provides, paragraphs (1) to (3) (other than paragraph (3)(d) and (e)) shall apply in relation to goods of that class or description as if references to selling or to a sale included references to letting under a hire-purchase agreement or on hire, and the reference to a sale under a credit-sale agreement were a reference to letting under a hire-purchase agreement:

Provided that paragraphs (1) and (2) shall not apply –

- (a) in a case of letting on hire, where the letting is incidental to the letting of premises;
- (b) in a case of possession for the purpose of letting on hire, where possession is for the purpose of a letting which is to be incidental to the letting of premises;
- (c) in any case of letting, where the letting was lawful at the time when it began.

4 Enforcement

- (1) Any obligation imposed by or by virtue of Article 3 on any person not to sell, let or have possession of any goods or component part is a duty which is owed by the person to any other person who may be affected by the contravention of or non-compliance with the requirement in question, and a breach of that duty is actionable (subject to the defences and other incidents applying to actions for breach of statutory duty).
- (2) Any person who contravenes Article 3 shall be guilty of an offence and liable to a fine not exceeding £100, or in the case of a second or subsequent offence to a fine not exceeding £250 or to imprisonment for a term not exceeding 3 months or to both such fine and such imprisonment:

Provided that a person shall not be convicted of an offence under this Article by reason of a contravention of or failure to comply with any requirement imposed under Article 2 in relation to the goods or component part in question if the person proves that the person had reasonable cause to believe that all such requirements were satisfied.

- (3) Where an offence under this Article committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary, or other similar officer of the body corporate, or any person purporting to act in any such capacity, he or she as well as the body corporate shall be deemed to be guilty of the offence.

5 Repeals and transitional provisions

- (1) Subject to the following provisions of this Article, the Heating Appliances (Safety Precautions) (Jersey) Law 1961, is repealed.
- (2) In relation to goods of the following classes, that is to say, gas fires, electric fires, oil heaters and component parts of oil heaters, this Law shall apply as if –
- (a) any Order made under the said Law of 1961 and in force at the commencement of this Law had been made under Article 2; and
 - (b) references in any such Order to that Law or any provision of that Law were references to this Law or the corresponding provision thereof,
- and any such Order may be varied or revoked accordingly.
- (3) Unless, and except in so far as, any Order under Article 2 otherwise provides –
- (a) Article 3(1) to (3) shall apply in relation to goods of the said classes subject to the extensions specified in paragraph (6) of that Article, but without prejudice to the proviso to the said paragraph (6);
 - (b) the Schedule to this Law shall have effect in relation to goods of those classes.

6 Citation

This Law may be cited as the Consumer Protection (Jersey) Law 1964.

SCHEDULE

(Articles 2 and 5)

PROVISION AS TO INSPECTION, TESTING AND ENFORCEMENT

1.

- (1) Subject to the provisions of this Schedule, any person authorized by the Committee in writing in that behalf may, on production if so required of evidence of the person's authority, inspect any goods in relation to which this Schedule has effect for the purpose of determining –
 - (a) whether the goods or any component part thereof are goods to which any prescribed requirements apply; and
 - (b) if so, whether those requirements are complied with.
- (2) Subject to the provisions of this Schedule, any person authorized by the Committee in writing in that behalf may, on production if so required of evidence of the person's authority, inspect a component part intended for but not embodied in any goods in relation to which this Schedule has effect, for the purpose of determining –
 - (a) whether it is one to which any prescribed requirements apply and if so whether those requirements are complied with; or
 - (b) whether it is one which it is requisite to inspect in order to determine whether any prescribed requirements applying to goods comprising it would be complied with when it was embodied in the goods, and if so whether those requirements would then be complied with.

2.

The Committee may, subject to the provisions of this Schedule, purchase any goods for the purpose of carrying out a test to determine whether any prescribed requirements applicable to the goods or a component part thereof are complied with, or in the case of goods being a component part whether any prescribed requirements applicable to goods comprising it would be complied with when the part was embodied in the goods.

3.

Any Order under Article 2 may provide that in such cases as may be prescribed any test such as is referred to in paragraph 2 shall be carried out, at the expense of the Committee, by such person or body as may be authorized by or under the Order to carry out the test, and may prescribe the manner in which any such test as is referred to in paragraph 2 is to be carried out.

4.

- (1) Any person who wilfully obstructs any person in the exercise of the person's powers under paragraph 1 shall be guilty of an offence and liable to a fine not exceeding £20.

- (2) Article 4(3) shall apply in relation to an offence under this paragraph as it applies in relation to an offence under that Article.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Consumer Protection (Jersey) Law 1964	L.25/1964	1 January 1965
Transfer of Functions (Economic Development Committee) (Jersey) Act 2003	R&O.101/2003	14 October 2003

Table of Renumbered Provisions

Original	Current
6(1)	6
(2)	spent, omitted from this revised edition

Table of Endnote References

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- ¹ Article 1 *Functions transferred to Economic Development Committee from Finance and Economics Committee by R&O.101/2003*
- ² *chapter 15.720*