



Jersey

## PRICE INDICATORS (AMENDMENT) (JERSEY) REGULATIONS 201-

### Report

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### Explanatory Note

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These Regulations amend the Price Indicators (Jersey) Regulations 2008 (defined by *Regulation 1* as “the principal Regulations”) in 2 main respects: to provide for the manner in which fuel prices may be displayed by traders at the roadside, and to permit discounting of retail prices of goods priced per unit of sale.

*Regulation 2* inserts, into Regulation 1 of the principal Regulations, definitions which are needed for the interpretation of these amendments, in particular a definition of “UK price” which ensures that traders may not cite a selectively high price as the basis for a purported discount price in Jersey. (The opportunity is also taken to adopt a precise definition of “food”, so that the uplift to include GST permitted by Regulation 3(4) of the principal Regulations may not be applied to pre-priced imported packs of animal food.)

*Regulation 3* adds to Regulation 4 of the principal Regulations provisions which, first, prohibit the display of conditional discounted prices for fuel unless the terms of the discount are clearly indicated (paragraphs (6) and (7)); and second, set out the general requirements for roadside display of fuel prices (paragraph (8)).

*Regulation 4* substitutes a new Regulation 5 into the principal Regulations, providing for the circumstances and manner in which reductions, both of Jersey retail prices and of UK prices, may be displayed. *Regulation 5* provides for citation and commencement of these Regulations.





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## PRICE INDICATORS (AMENDMENT) (JERSEY) REGULATIONS 201-

*Made* [date to be inserted]

*Coming into force* [date to be inserted]

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

### **1 Interpretation**

In these Regulations, “the principal Regulations” means the Price Indicators (Jersey) Regulations 2008.

### **2 Regulation 1 amended**

In Regulation 1 of the principal Regulations –

- (a) for the definition of “food”, there shall be substituted the following definition –

“ ‘food’ has the meaning given by Article 1 of the Food Safety (Jersey) Law 1966;”;

- (b) after the definition of “GST”, there shall be inserted the following definitions –

“ ‘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;”;

- (c) after the definition of “trader”, there shall be inserted the following definition –

“ ‘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);”;
- (d) at the end after the definition of “unit of measurement”, there shall be added the following definition –
- “ ‘VAT’ means value added tax as charged in accordance with the Value Added Tax Act 1994 of the United Kingdom.”.

### 3 Regulation 4 amended

- (1) At the end of Regulation 4 of the principal Regulations there shall be added the following paragraphs –
- “(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.
- (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.
- (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).
- (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.”.

### 4 Regulation 5 amended

For Regulation 5 of the principal Regulations there shall be substituted the following Regulation –

**“5 Price reductions**

- (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).”

**5 Citation and commencement**

These Regulations may be cited as the Price Indicators (Amendment) (Jersey) Regulations 201- and shall come into force [7 days after they are made].

