

These notes relate to the Christmas Day and New Year's Day Trading (Scotland) Act 2007 (asp 13) which received Royal Assent on 13 April 2007

CHRISTMAS DAY AND NEW YEAR'S DAY TRADING (SCOTLAND) ACT 2007

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 3: Exemptions

8. In addition to those shops which do not exceed the qualifying size, further premises are exempt by section 3 of the Act.
9. The exemption at sub-paragraph 3(a)(i) relates to the sale of meals, refreshments or alcohol on the premises in which they are sold for consumption. As a consequence restaurants, cafes, public houses and any other sit-in eateries are exempt even when they exceed the 280 square metre size limit. Sub-paragraph 3(a)(ii) relates to meals or refreshments prepared to order but consumed away from the premises and thus take-away eateries are exempt (again even where they exceed the size limit).
10. [Paragraph 3\(b\)](#) exempts registered pharmacies, but only to enable prescriptions to be dispensed.
11. The exemption at paragraph 3(c) covers shops at ports, railway stations or commercial airports in order to cater principally, although not exclusively, for the needs of passengers in transit. Similarly the exception at paragraph 3(d) covers motorway service areas, and paragraph 3(e) allows for the sale of fuel and other products retailed by filling stations to motorists.