



Shops Act 1950

1950 CHAPTER 28

PART I

HOURS OF CLOSING

Early closing days

1 Closing of shops on weekly half-holiday

- (1) Every shop shall be, closed for the serving of customers not later than one o'clock in the afternoon on one week day in every week.
- (2) The local authority may, by order, fix the day on which a shop is to be so closed (in this Act referred to as " the weekly half-holiday "), and any such order may either fix the same day for all shops, or may fix—
 - (a) different days for different classes of shops ; or
 - (b) different days for different parts of the district; or
 - (c) different days for different periods of the year:

Provided that—

- (i) where the day fixed is a day other than Saturday, the order shall provide for enabling Saturday to be substituted for such other day as respects any shop in which notice to that effect is affixed by the occupier;
 - (ii) where the day fixed is Saturday, the order shall provide for enabling some other day specified in the order to be substituted for Saturday as respects any shop in which notice to that effect is affixed by the occupier;
 - (iii) no order shall be made under this section unless the local authority, after making such inquiry as may be prescribed, are satisfied that the occupiers of a majority of each of the several classes of shops affected by the order approve the order.
- (3) Unless and until an order is made under this section affecting a shop, the weekly half-holiday as respects the shop shall be such day as the occupier may specify in a notice

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affixed in the shop, but it shall not be lawful for the occupier of the shop to change the day oftener than once in any period of three months.

- (4) Where the local authority have reason to believe that a majority of the occupiers of shops of any particular class in any area are in favour of being exempted from the provisions of this section, either wholly or by fixing as the closing hour instead of one o'clock some other hour not later than two o'clock, the local authority, unless they consider that the area in question is unreasonably small, shall take steps to ascertain the wishes of such occupiers.

If the local authority are satisfied that a majority of the occupiers of such shops are in favour of the exemption, or, in the case of a vote being taken, that at least one half of the votes recorded by the occupiers of shops within the area of the class in question are in favour of the exemption, the local authority shall make an order exempting the shops of that class within the area from the provisions of this section either wholly or to such extent as aforesaid.

- (5) Where a shop is closed during the whole day on the occasion of a bank holiday, and that day is not the day fixed for the weekly half-holiday, it shall be lawful for the occupier of the shop to keep the shop open for the serving of customers after the hour at which it is required under this section to be closed either on the half-holiday immediately preceding, or on the half-holiday immediately succeeding, the bank holiday.
- (6) This section shall not apply to any shop in which the only trade or business carried on is trade or business of any of the classes mentioned in the First Schedule to this Act, but the local authority may, by order made and revocable in the manner hereinafter provided with respect to closing orders, extend the provisions of this section to shops of any class exempted under this subsection if satisfied that the occupiers of at least two-thirds of the shops of that class approve the order.
- (7) Nothing in this section shall prevent the serving of a customer at any time at which the shop is required to be closed under this section if it is proved either that the customer was in the shop before the time when the shop was required to be closed, or that there was reasonable ground for believing that the article supplied to the customer was required in the case of illness.
- (8) Nothing in this section shall prevent customers from being served at a time when the shop in which they are served is required to be closed with victuals, stores, or other necessaries for a ship, on her arrival at, or immediately before her departure from, a port.

General closing hours

2 General closing hours

- (1) Every shop shall be closed for the serving of customers—
- (a) as respects the winter months, not later than half-past seven o'clock in the evening on the late day and six o'clock in the evening on any other day of the week; and
 - (b) where the foregoing paragraph does not apply, not later than nine o'clock in the evening on the late day and eight o'clock in the evening on any other day of the week:

Provided that a local authority may, by order, substitute other hours (whether earlier or later) for the hours fixed by paragraph (a) of this subsection so, however, that the substituted hours shall not be later than seven o'clock in the evening except on not more than two days (one of which shall be the late day) when the substituted hours may be not later than eight o'clock in the evening.

- (2) Before making any order under the foregoing subsection the local authority shall take such steps, whether by consultation with representative associations or otherwise, as appear to the authority to be most appropriate for ascertaining the views of occupiers of shops and shop assistants affected by the order, and any such order—
 - (a) may be made so as to apply to the whole or any part of the area of the local authority;
 - (b) may be made so as to apply to all trades or businesses or to any specified trade or business;
 - (c) may fix different hours for different days of the week and for different trades or businesses; and
 - (d) may contain such incidental and supplemental provisions as appear to the local authority to be necessary or expedient for the purposes of the order.
- (3) Nothing in this section shall prevent—
 - (a) the serving of a customer where it is proved that the customer was in the shop before the closing hour, or that reasonable grounds existed for believing that the article supplied after the closing hour to a customer was required in the case of illness; or
 - (b) any transaction mentioned in the Second Schedule to this Act.
- (4) In this Act the expression " the winter months " means the period beginning with the first Sunday in November in any year and ending with the day before the first Sunday in March in the succeeding year.

3 The late day

The late day referred to in the last foregoing section shall be Saturday unless the local authority by order fix some other day as the late day, and any such order may fix the same day for all shops or may fix—

- (a) different days for different classes of shops;
- (b) different days for different parts of their area; or
- (c) different days for different periods of the year:

Provided that where the local authority have under this Act fixed any day as the weekly half-holiday for any class of shop, or for any part of their area, or for any period of the year, they shall, as respects that class, part or period, fix some other day as the late day.

4 Special provision for tobacco and smokers' requisites

As respects the trade or business of selling tobacco and smokers' requisites—

- (a) paragraph (a) of, and the proviso to, subsection (1) of section two of this Act and subsection (2) of that section shall not apply ; and
- (b) a local authority may, in their area, or in any part thereof, by order substitute for the hours fixed by paragraph (b) of the said subsection (1) later hours, not being later than ten o'clock in the evening on the late day or half past nine

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o'clock in the evening on any other day, if they are satisfied that such an order is desired by the occupiers of at least two-thirds in number of the shops to be affected by the order.

5 Special provision for newspapers and periodicals

As respects the trade or business of selling newspapers and periodicals, paragraph (a) of, and the proviso to, subsection (1) of section two of this Act and subsection (2) of that section shall not apply.

6 Special provision for confectionery

As respects the trade or business of selling table waters, sweets, chocolates or other sugar confectionery or ice cream, the following hours shall be substituted for those set out in subsection (1) of section two of this Act, that is to say—

- (a) as respects the winter months, nine o'clock in the evening on the late day and eight o'clock in the evening on any other day ; and
- (b) where the foregoing paragraph does not apply, ten o'clock in the evening on the late day and half past nine o'clock in the evening on any other day:

Provided that a local authority may in their area or any part thereof by order substitute for either of the hours mentioned in paragraph (b) of this subsection an earlier hour, not being earlier than eight o'clock in the evening, if they are satisfied that such an order is desired by the occupiers of a majority of the shops to be affected by the order.

7 Certain provisions as to general closing hours to be temporary

- (1) The provisions of this Act relating to general closing hours which have effect only as respects the winter months shall expire on the tenth day of December, nineteen hundred and fifty:

Provided that—

- (a) His Majesty may at any time by Order in Council revoke the said provisions either in whole or in part and any such Order in Council shall be subject to annulment in pursuance of a resolution of either House of Parliament;
 - (b) if at any time while the said provisions are in force, an Address is presented to His Majesty by each House of Parliament praying that those provisions should be continued in force for a further period not exceeding one year from the time at which they would otherwise expire, His Majesty may by Order in Council direct that those provisions shall continue in force for that further period.
- (2) The Supplies and Services (Transitional Powers) Act, 1945, shall apply as if the said provisions were a Defence Regulation to which section one of that Act applies.
 - (3) Subsection (2) of section thirty-eight of the Interpretation Act, 1889, shall apply upon the expiry of the said provisions as if they were an Act of Parliament and had then been repealed.

Closing orders

8 Closing orders

- (1) An order (in this Act referred to as " a closing order ") made by a local authority, and confirmed by the Secretary of State in manner provided by this Act, may fix the hours on the several days of the week at which, either throughout the area of the local authority or in any specified part thereof, all shops or shops of any specified class are to be closed for serving customers.
- (2) The hour fixed by a closing order shall not be earlier than seven o'clock in the evening on any day of the week.
- (3) The order may—
 - (a) define the shops and trades to which the order applies; and
 - (b) authorise sales after the closing hour fixed by the order in cases of emergency and in such other circumstances as may be specified or indicated in the order ; and
 - (c) contain any incidental, supplemental, or consequential provisions which may appear necessary or proper.

- (4) Nothing in the foregoing provisions of this Act relating to general closing hours shall affect the power of a local authority by a closing order under this section to fix closing hours earlier than the general closing hours fixed by or under this Act:

Provided that any closing order shall be of no effect in so far as it authorises sales after the general closing hours fixed by or under this Act or contains provisions inconsistent with the provisions of this Act relating to general closing hours.

- (5) Nothing in any closing order shall prevent—
 - (a) the serving of a customer where it is proved that the customer was in the shop before the closing hour fixed (by the order, or that reasonable grounds existed for believing that the article supplied after that hour was required in the case of illness; or
 - (b) any transaction mentioned in the Second Schedule to this Act.
- (6) In the case of a shop as respects which a closing order is in force on the first Sunday in November in any year, the foregoing, provisions of this Act as, to general closing hours in the winter months shall not be construed as making later the hours at which the shop is required to be closed while the order remains in force.

9 Procedure for making closing orders

- (1) Whenever a local authority are satisfied that a prima facie case is made out for making a closing order, the authority shall give public notice in the prescribed manner and in the prescribed form of their intention to make an order, specifying therein a period (not being less than the prescribed period) within which objections may be made to the making of the proposed order, and, if after taking into consideration any objections they may have received the local authority are satisfied that it is expedient to make the order and that the occupiers of at least two-thirds in number of the shops to be affected by the order approve the order, they may make the order.
- (2) Notice of the provisions of the order shall be given, and copies thereof shall be supplied, in the prescribed manner, and the order shall be submitted to the Secretary

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of State and the Secretary of State shall consider any objections to the order, and may either disallow the order or confirm the order with or without amendments.

His power of confirmation shall be exercisable by statutory instrument.

- (3) As soon as the Secretary of State has confirmed any order, the order shall become final and have the effect of an Act of Parliament:

Provided that every statutory instrument confirming a closing order shall be subject to annulment in pursuance of a resolution of either House of Parliament.

10 Local inquiries for the purpose of promoting and facilitating early closing

- (1) Where it appears to the Secretary of State, on the representation of the local authority or a joint representation from a substantial number of occupiers of shops and shop assistants in the area of the local authority, that it is expedient to ascertain the extent to which there is a demand for early closing in any locality, and to promote and facilitate the making of a closing order therein, the Secretary of State may appoint a competent person to hold a local inquiry.
- (2) If, after holding such an inquiry and conferring with the local authority, it appears to the person holding the inquiry that it is expedient that a closing order should be made, he shall prepare a draft order and submit it to the Secretary of State together with his report thereon.
- (3) If the Secretary of State, after considering the draft order and report, and any representations which the local authority may have made in respect thereof, is of opinion that it is desirable that a closing order should be made, he may communicate his decision to the local authority, and thereupon there shall be deemed to be a prima facie case for making a closing order in accordance with the terms of the draft order, subject to such modifications (if any) as the Secretary of State may think fit.
- (4) The person who held the inquiry shall, if so directed by the Secretary of State on the application of the local authority, assist and co-operate with the local authority in taking the steps preliminary to making the order.

11 Revocation of closing orders

The Secretary of State may, at any time on the application of the local authority, revoke a closing order either absolutely or so far as it affects any particular class of shops, and, if at any time it is made to appear to the satisfaction of the local authority that the occupiers of a majority of any class of shops to which a closing order applies are opposed to the continuance of the order, the local authority shall apply to the Secretary of State to revoke the order in so far as it affects that class of shops, but any such revocation shall be without prejudice to the making of any new closing order.

The power of the Secretary of State to revoke a closing order shall be exercisable by statutory instrument.

Trading outside shops and shops with several trades

12 Trading elsewhere than in shops

It shall not be lawful in any locality to carry on in any place not being a shop retail trade or business of any class at any time when it would be unlawful in that locality to keep a shop open for the purposes of retail trade or business of that class, and, if any person carries on any trade or business in contravention of this section, this Part of this Act and the provisions in Part V for the enforcement of this Act shall apply as if he were the occupier of a shop and the shop were being kept open in contravention of this Part of this Act:

Provided that—

- (a) the prohibition imposed by this section shall, as respects any day other than the weekly half-holiday, be subject, in so far as the prohibition is affected by any closing order, to such exemptions and conditions, if any, as may be contained in the order; and
- (b) nothing in this section shall be construed as preventing a barber or hairdresser from attending a customer in the customer's residence, or the holding of an auction sale of private effects in a private dwelling-house; and
- (c) nothing in this section shall apply to the sale of newspapers.

13 Shops where more than one trade or business is carried on

- (1) Where several trades or businesses are carried on in the same shop, and any of those trades or businesses is of such a nature that, if it were the only trade or business carried on in the shop, the shop would be exempt from the obligation to be closed on the weekly half-holiday, the exemption shall apply to the shop so far as the carrying on of that trade or business is concerned, subject, however, to such conditions as may be prescribed.
- (2) Where several trades or businesses are carried on in the same shop and any of those trades or businesses consists only of transactions of such a nature that, if they were the only transactions carried on in the shop, the provisions of this Act relating to general closing hours would not apply to the shop, the shop may be kept open after the general closing hours for the purposes of those transactions alone, subject, however, to such conditions as may be prescribed.
- (3) Where several trades or businesses are carried on in the same shop and any of those trades or businesses is of such a nature that if it were the only trade or business carried on in the shop a closing order would not apply to the shop, the shop may be kept open for the purposes of that trade and business alone after the closing hour fixed by the closing order, but on such terms and under such conditions as may be specified in the order.
- (4) Where several trades or businesses are carried on in the same shop, the local authority may require the occupier of the shop to specify which trade or business he considers to be his principal trade or business, and no trade or business other than that so specified shall, for the purpose of determining a majority or any proportion or number of occupiers or of shops for the purposes of this Part of this Act, be considered as carried on in the shop unless the occupier of the shop satisfies the local authority that it forms a substantial part of the business carried on in the shop.

Supplemental

14 Offences under Part I

- (1) In the case of any contravention of any of the provisions of section one of this Act, the occupier of the shop shall be liable to a fine not exceeding—
- (a) in the case of a first offence, one pound;
 - (b) in the case of a second offence, five pounds; and
 - (c) in the case of a third or subsequent offence, ten pounds.
- (2) In the case of any contravention of any provisions of this Part of this Act not punishable under the foregoing subsection, or of any contravention of a closing order, or of any breach of a condition imposed by any order made under subsection (2) of section two of this Act, the occupier of the shop shall be liable to a fine not exceeding—
- (a) in the case of a first offence, five pounds;
 - (b) in the case of a second or subsequent offence, twenty pounds.

In considering for the purposes of this subsection whether an offence is or is not a first offence, any offence under subsection (3) of section forty-one or subsection (3) of section forty-two of this Act shall be treated as if it were an offence under this subsection.

15 Expenses of Secretary of State

Any expenses incurred by the Secretary of State under this Part of this Act, including the remuneration of any person holding a local inquiry under section ten of this Act, shall, to such extent as may be sanctioned by the Treasury, be paid out of moneys provided by Parliament.

16 Local inquiries

In addition to the local inquiries which the Secretary of State is empowered to hold under section ten of this Act, the Secretary of State may cause a local inquiry to be held for the purposes of any of his powers and duties under this Part of this Act, and, save in Scotland, the costs incurred in relation to any such last-mentioned inquiry, including the salary of any officer engaged in the inquiry, not exceeding three guineas a day, shall be paid by the local authority concerned, and the Secretary of State may certify the amount of the costs incurred.

Any sums so certified shall be a debt to the Crown from the local authority.

PART II

CONDITIONS OF EMPLOYMENT

Statutory half-holiday and meal times

17 Statutory half-holiday for shop assistants

- (1) Subject to the provisions of this Part of this Act, on at least one week day in each week a shop assistant shall not be employed about the business of a shop after half-past one o'clock in the afternoon:

Provided that this provision shall not apply to the week preceding a bank holiday if the shop assistant is not employed on the bank holiday, and if on one week day in the following week in addition to the bank holiday the employment of the shop assistant ceases not later than half-past one o'clock in the afternoon.

- (2) The occupier of a shop shall fix, and shall specify in a notice in the prescribed form, which must be affixed in the shop in such manner and at such time as may be prescribed, the day of the week on which his shop assistants are not employed after half-past one o'clock and may fix different days for different shop assistants.
- (3) In the case of any contravention of this section, the occupier of the shop shall be liable to a fine not exceeding—
- (a) in the case of a first offence, one pound ;
 - (b) in the case of a second offence, five pounds ; and
 - (c) in the case of a third or subsequent offence, ten pounds—

unless, in the case of a shop assistant employed after half-past one o'clock in contravention of this section, he proves that the shop assistant was employed merely for the purpose of serving a customer whom he was serving at that time, or, where the time for closing the shop was also half-past one o'clock, that the shop assistant was employed merely for the purpose of serving customers who were in the shop at that time.

In considering for the purposes of this subsection whether an offence is a first, second or subsequent offence, any offence under subsection (2) of section nineteen of this Act shall be treated as if it were an offence under this subsection.

18 Modifications in application of s. 17 to young persons

- (1) For the purposes of the last foregoing section every young person who is wholly or mainly employed about the business of a shop shall be deemed to be a "shop assistant":

Provided that this subsection shall not apply to any person employed in a residential hotel.

- (2) The last foregoing section shall not apply to any young person in any week unless he is employed as a shop assistant for more than twenty-five hours in that week and shall not apply to the employment of any young person in a theatre in any week (notwithstanding that he may be employed as a shop assistant for more than twenty-five hours in that week) if he is not employed in the theatre before midday on any day in that week.

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- (3) If in any proceedings against any person in respect of a contravention of the last foregoing section in relation to any young person it is shown that the young person was not so employed by him in the week in which the contravention occurred so as to render that section applicable to the young person, it shall be a defence to prove that he did not know, and could not with reasonable diligence have ascertained, that the young person was also employed in that week as a shop assistant by some other employer.
- (4) For the purposes of the last foregoing section, every young person who is wholly or mainly' employed in connection with any retail trade or business carried on in any place not being a shop shall be deemed to be a "shop assistant" and in the application of that section to persons employed in connection with such a retail trade or business—
- (a) subsection (2) shall not apply;
 - (b) references to "employment about the business of a shop" shall be deemed to include references to employment in connection with any retail trade or business carried on in any place not being a shop;
 - (c) references to "a shop" shall be deemed to include references to the place in or from which the retail trade or business is carried on ; and
 - (d) references to "the occupier of a shop" shall be deemed to include references to the person by whom the retail trade or business is carried on.
- (5) Nothing in this section shall apply with respect to the employment of persons whose hours of employment are regulated by or under the Factories Acts, 1937 and 1948.
- For the purposes of this subsection, employment wholly or mainly outside a factory in collecting, carrying or delivering goods, carrying messages or running errands, being employment for the purposes of retail trade or business carried on from the factory, shall be deemed not to be employment in the business of the factory.
- (6) For the purposes of this section, a person who works about the business of a shop for the occupier thereof or in connection with any retail trade or business for the person by whom it is carried on shall be deemed to be employed, notwithstanding that he receives no reward for his labour.
- (7) In the application of the last foregoing section to young persons, and in this section, the expression "shop" includes any wholesale shop and any warehouse occupied for the purposes of his trade by any person carrying on any retail trade or business or by any wholesale dealer or merchant.
- (8) For the purposes of this section, employment in connection with a wholesale shop or a warehouse occupied by a wholesale dealer or merchant which is neither—
- (a) employment within the premises; nor
 - (b) employment in the collection or delivery of goods or in attendance upon customers or in carrying messages or running errands,
- shall not be deemed to be employment about the business of a shop; but, save as aforesaid, any employment in the service of the occupier of the shop upon any work, whether within the shop or outside it, which is ancillary to the business carried on at the shop shall be deemed to be employment about the business of the shop, and that expression shall be construed accordingly.

19 Meal times

- (1) Intervals for meals shall be allowed to each shop assistant in accordance with Part I of the Third Schedule to this Act:

Provided that this section shall not apply to a shop if the only persons employed as shop assistants are members of the family of the occupier of the shop, maintained by him and dwelling in his house.

- (2) In the case of any contravention of the provisions of this section, the occupier of a shop shall be liable to a fine not exceeding—
 - (a) in the case of a first offence, one pound ;
 - (b) in the case of a second offence, five pounds; and
 - (c) in the case of a third or subsequent offence, ten pounds.

In considering for the purposes of this subsection whether an offence is a first, second or subsequent offence, any offence under subsection (3) of section seventeen of this Act shall be treated as if it were an offence under this subsection.

20 Modifications in application of s. 19 to young persons

- (1) In the application of the last foregoing section and of the Third Schedule to this Act to young persons, the provisions of Part I of the said Schedule shall have effect subject to Part II of that Schedule.
- (2) For the purposes of the last foregoing section and the said Schedule, every young person who is wholly or mainly employed about the business of a shop shall be deemed to be a "shop assistant".
- (3) For the purposes of the last foregoing section and the said Schedule, every young person who is wholly or mainly employed in connection with any retail trade or business carried on in any place not being a shop shall be deemed to be a "shop assistant", and in the application of that section to persons employed in connection with such a retail trade or business—
 - (a) references to "a shop" shall be deemed to include references to the place in or from which the retail trade or business is carried on ; and
 - (b) references to "the occupier of a shop" shall be deemed to include references to the person by whom the retail trade or business is carried on.
- (4) This section shall not apply to any person employed in a residential hotel who is not a shop assistant within the meaning of section seventy-four of this Act or, in the case of a person employed at premises to which the provisions of the next following section apply, is not wholly or mainly employed there in connection with the business of selling intoxicating liquors or refreshments for consumption on the premises.
- (5) Nothing in this section shall apply with respect to the employment of persons whose hours of employment are regulated by or under the Factories Acts, 1937 and 1948.

For the purposes of this subsection, employment wholly or mainly outside a factory in collecting, carrying or delivering goods, carrying messages or running errands, being employment for the purposes of retail trade or business carried on from the factory, shall be deemed not to be employment in the business of the factory.

- (6) For the purposes of this section, a person who works about the business of a shop for the occupier thereof or in connection with any retail trade or business for the person by whom it is carried on, shall be deemed to be employed, notwithstanding that he receives no reward for his labour.

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- (7) In the application of the last foregoing section and of the Third Schedule to this Act to young persons, and in this section, the expression " shop " includes any wholesale shop and any warehouse occupied for the purposes of his trade by any person carrying on any retail trade or business or by any wholesale dealer or merchant.
- (8) For the purposes of this section, employment in connection with a wholesale shop or a warehouse occupied by a wholesale dealer or merchant which is neither—
- (a) employment within the premises; nor
 - (b) employment in the collection or delivery of goods or in attendance upon customers or in carrying messages or running errands,
- shall not be deemed to be employment about the business of a shop ; but, save as aforesaid, any employment in the service of the occupier of the shop upon any work, whether within the shop or outside it, which is ancillary to the business carried on at the shop shall be deemed to be employment about the business of the shop, and that expression shall be construed accordingly.

21 Application of foregoing provisions to premises for the sale of refreshments

- (1) This section applies to shop assistants employed in any premises for the sale of refreshments, whether licensed for the sale of intoxicating liquor or not, if their employment is wholly or mainly in connection with the sale of intoxicating liquors or refreshments for consumption on the premises.
- (2) The foregoing sections of this Part of this Act shall not apply to shop assistants to whom this section applies if the occupier of the premises in which they are employed, by such a notice as is hereinafter mentioned, signifies that he elects that, instead of those provisions, the following provisions shall apply.
- (3) The said provisions are—
- (a) that no assistant to whom this section applies shall be employed for more than sixty-five hours in any week exclusive of meal times;
 - (b) that provision shall be made for securing to every assistant to whom this section applies—
 - (i) thirty-two whole holidays on a week day in every year of which at least two shall be given within the currency of each month and which shall comprise a holiday on full pay of not less than six consecutive days so, however, that two half holidays on a week day shall be deemed equivalent to one whole holiday on a week day ;
 - (ii) twenty-six whole holidays on Sunday in every year, so distributed that at least one out of every three consecutive Sundays shall be a whole holiday ;
 - (c) that unless the only persons employed as shop assistants are members of the family of the occupier of the premises maintained by him and dwelling in his house—
 - (i) intervals for meals shall be allowed to every assistant to whom this section applies amounting on a half holiday to not less than three-quarters of an hour, and on every other day to not less than two hours, and
 - (ii) no assistant shall be employed for more than six hours without being allowed an interval of at least half an hour;

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- (d) that the occupier shall affix and constantly maintain in a conspicuous position in the premises a notice in the prescribed form referring to the provisions of this section, and stating the steps taken with a view to compliance therewith.
- (4) Paragraph (a) of the last foregoing subsection shall not apply to any young person whose hours of employment are regulated under sections twenty-four to thirty-one of this Act.
- (5) Where the occupier of any premises has signified as aforesaid that he elects that the foregoing provisions of this section shall apply, and any of those provisions are not complied with, the occupier of the premises shall be liable to a fine not exceeding—
 - (a) in the case of a first offence, one pound ; and
 - (b) in the case of a second offence, five pounds ; and
 - (c) in the case of a third or subsequent offence, ten pounds.
- (6) For the purposes of this section, the expression " half holiday " means a day on which the employment of an assistant ceases not later than three o'clock in the afternoon and on which he is not employed for more than six hours including meal-time.
- (7) A notice under this section may be withdrawn by the occupier of the shop at the expiration of a year from the date when it was given, and thereafter at the expiration of any succeeding year, and upon any such withdrawal the foregoing sections of this Part of this Act shall apply to the shop in like manner as before the notice was given.
- (8) The foregoing sections of this Part of this Act and Part III of this Act shall, in their application to any premises in respect to which a notice under this section is in force, have effect as though the expression " shop assistant" included all persons wholly or mainly employed in any capacity at the premises in connection with the business there carried on.

Sunday Employment in England and Wales

22 Sunday employment

- (1) No person shall be employed on Sunday about the business of a shop which is open for the serving of customers on that day unless the following requirements are complied with—
 - (a) in the case of a person so employed for more than four hours on any Sunday, that person shall—
 - (i) receive in respect of his employment on that Sunday a whole holiday on a day other than that of his statutory half-holiday, if any, and that whole holiday shall be on a weekday of the week beginning with that Sunday unless he has, in respect of his employment on that Sunday, already received such a holiday on a weekday of the previous week ;
 - (ii) not be employed about the business of a shop on more than two other Sundays in the same month ;
 - (b) in the case of a person not so employed for more than four hours on a Sunday in any month, that person shall receive in respect of his employment on any Sunday in the month a half-holiday in addition to his statutory half-holiday, if any, and that additional half-holiday shall be on a weekday of the week beginning with that Sunday unless he has, in respect of his employment on that

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Sunday, already received such a half-holiday on a weekday of the previous week:

Provided that this subsection shall not apply—

- (i) to any person employed wholly or mainly in connection with the sale of intoxicating liquor; or
- (ii) to any shop assistant employed in any premises for the sale of refreshments to whom the provisions of paragraphs (a), (b), (c) and (d) of subsection (3) of the last foregoing section apply by virtue of an election made under that section by the occupier of the premises; or
- (iii) to any person employed wholly or mainly as a milk roundsman; or
- (iv) to any person wholly employed in the transaction of post office business ; or
- (v) to any registered pharmacist within the meaning of the Pharmacy and Poisons Act, 1933, employed in connection with the sale or supply of medicines or medical or surgical appliances in any premises required to be kept open on Sunday for the serving of customers in pursuance of a contract between the occupier of the premises and an Executive Council—
 - (a) if he is not employed for more than two hours on that Sunday, and has not been employed on the previous Sunday, and
 - (b) if on a weekday (other than the day of the statutory half-holiday) of the previous week or of the week commencing with the Sunday on which he is so employed, either he has not been, or will not be, employed before half-past ten o'clock in the morning, or has not been, or will not be, employed after six o'clock in the afternoon.

(2) For the purposes of this section—

- (a) a person who works about the business of a shop for the occupier thereof shall be deemed to be employed notwithstanding that he receives no reward for his labour;
- (b) in relation to any person employed about the business of a shop the following expressions have the meanings hereby respectively assigned to them, that is to say,
 - " whole holiday " means a day on which that person is not employed about the business of that shop;
 - " statutory half-holiday " means a day on which under section seventeen of this Act he is not employed about the business of that shop after half-past one o'clock in the afternoon ;
 - " half-holiday " means a day on which he is either not employed before, or not employed after, half-past one o'clock in the afternoon of that day about the business of that shop.

(3) The occupier of any shop which by virtue of any provision of Part IV of this Act, other than section sixty-two, is open for the serving of customers on Sunday shall keep in the prescribed form and in the prescribed manner a record of the names of and the hours worked by all the persons employed about the business of the shop on Sunday who are entitled to any holidays prescribed by this section, and of the respective days of the week upon which those persons receive those holidays.

(4) Nothing in this section shall authorise the employment of any person at any time when it would under any other provision of this Act or under the Sunday Entertainments Act, 1932, be unlawful for him to be so employed.

- (5) Nothing in this section shall apply to the carrying on on Sunday of the business of a retail dealer in butchers' meat.
- (6) In the case of any contravention of this section, the-occupier of the shop shall be liable to a fine not exceeding—
- (a) in the case of a first offence, five pounds ;
 - (b) in the case of a second or subsequent offence, twenty pounds.

In considering for the purposes of this subsection whether an offence is or is not a first offence, any offence under subsection (1) of section fifty-nine of this Act shall be treated as if it were an offence under this subsection.

- (7) This section shall not extend to Scotland.

23 Sunday employment in retail trading elsewhere than in shops

The last foregoing section shall extend to any place outside Scotland where any retail trade or business is carried on as if that place were a shop, and as if in relation to any such place the person by whom the retail trade or business is carried on were the occupier of a shop, but as so extended shall apply only to persons wholly or mainly employed in connection with the retail trade or business carried on at that place.

Hours of Employment of Young Persons

24 Hours of employment of persons between 16 and 18

- (1) Subject to the following provisions of this Part of this Act, no young person between the ages of sixteen and eighteen years shall be employed about the business of a shop for more than the normal maximum working hours, that is to say, forty-eight working hours in any week.
- (2) On occasions of seasonal or exceptional pressure of work at any shop, young persons between the ages of sixteen and eighteen years may, subject as hereinafter provided, and subject to the provisions of any other enactment, be employed about the business of the shop overtime, that is to say, in excess of the normal maximum working hours:
- Provided that in the case of any shop—
- (a) when in any year there have been six weeks (whether consecutive or not) in which young persons have been employed overtime about the business of the shop, no young person shall be so employed during the remainder of that year;
 - (b) no young person shall be employed overtime about the business of the shop—
 - (i) in any year after he has been employed overtime about the business of the shop for fifty working hours in that year ;
 - (ii) in any week after he has been employed overtime about the business of the shop for twelve working hours in that week.
- (3) In the case of any contravention of the provisions of this section, the occupier of the shop shall be liable to a fine not exceeding ten pounds for every person in respect of whom the contravention occurs.
- (4) In this section—

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" shop " includes any wholesale shop and any warehouse occupied for the purposes of his trade by any person carrying on any retail trade or business or by any wholesale dealer or merchant;

" year " means the period between midnight on the last Saturday night in the month of December and midnight on the last Saturday night in the next month of December.

25 Hours of employment of persons between 16 'and 18 in catering trade

- (1) The occupier of any shop in which there is carried on the business of serving meals, intoxicating liquors, or refreshments to customers for consumption on the premises may, by exhibiting a notice to that effect, secure that the provisions of this subsection will, during a period of two consecutive weeks specified in the notice, be applicable to that shop, and when such a notice has been duly exhibited in the prescribed form and in the prescribed manner and at such time before the period therein specified as may be prescribed, then—
- (a) a young person between the ages of sixteen and eighteen years whose employment is wholly or mainly in connection with the said business, shall be deemed, for the purposes of the last foregoing section, not to be employed about the business of the shop in excess of the normal maximum working hours in either week of the period specified in the notice, if he is employed about the business thereof neither for more than sixty working hours in either week nor for more than ninety-six hours throughout the period ; and
 - (b) the provisions of the last foregoing section permitting employment overtime shall not apply during the period specified in the notice in relation to young persons whose employment is such as aforesaid:

Provided that, after the provisions of this subsection have been applicable to any shop during twelve such periods beginning in any calendar year, the said provisions shall not again be applicable to the shop in that year.

- (2) If the occupier of any shop gives notice that he elects that the provisions of this subsection shall not be applicable to that shop, then, unless and until the notice is withdrawn, the said provisions shall not be applicable thereto, but as respects business carried on at any shop to which the said provisions are not so rendered inapplicable—
- (a) proviso (a) to subsection (2) of the last foregoing section shall not apply to the overtime employment of persons whose employment is wholly or mainly in connection with the business of serving meals, intoxicating liquors, or refreshments to customers for consumption on the premises, and
 - (b) if other business is carried on in the shop, the overtime employment of persons in relation to whom this subsection applies shall not be taken into account for the purposes of the application of the said proviso in relation to other young persons:

Provided that, while the provisions of this subsection are applicable to a shop, the last foregoing section shall, in relation to any young persons so employed in connection with the business aforesaid, have effect as if in proviso (b) to subsection (2) thereof there were inserted the following additional paragraph, that is to say—

“(iii) in any period of two consecutive weeks so that he is employed overtime about the business of the shop for more than eight working hours in that period.”

- (3) A notice given under the last foregoing subsection with respect to any shop, and a notice withdrawing any such notice as aforesaid, shall be given in such form, in such manner, and subject to such conditions as may be prescribed, to the local authority whose duty it is to enforce this section within the district in which the shop is situated, and any such notice shall take effect on such date after it is given as may be prescribed.

26 Hours of employment of persons between 16 and 18 selling accessories for aircraft, motor vehicles and cycles

- (1) If the occupier of any shop in which there is carried on the business of serving customers with supplies or accessories for aircraft, motor vehicles, or cycles sold for immediate use gives notice that he elects that the provisions of this subsection shall be applicable to that shop, then, unless and until the notice is withdrawn, in relation to young persons between the ages of sixteen and eighteen years employed in connection with the business aforesaid, the normal maximum working hours shall, instead of being forty-eight working hours in any week, be such number of hours, being neither more than fifty-four in any week nor more than one hundred and forty-four in any period of three consecutive weeks, as may be specified in the notice, and section twenty-four of this Act shall have effect accordingly:

Provided that, while the provisions of this subsection are applicable to a shop, section twenty-four of this Act shall in relation to any young person employed in connection with the business aforesaid have effect as if in proviso (b) to subsection (2) thereof there were inserted the following additional paragraphs, that is to say—

- “(iii) (a) in any week after he has been employed about the business of the shop for fifty-four working hours in that week;
- (b) in any period of three consecutive weeks so that he is employed overtime about the business of the shop for more than twelve working hours in that period.”

- (2) If the occupier of any shop gives notice that he elects that the provisions of this subsection shall not be applicable to that shop then, unless and until the notice is withdrawn, the said provisions shall not be applicable thereto, but as respects business carried on at any shop to which the said provisions are not so rendered inapplicable—
- (a) proviso (a) to subsection (2) of section twenty-four of this Act shall not apply to the employment of persons employed in connection with the business of serving customers with supplies or accessories for aircraft, motor vehicles or cycles sold for immediate use, and
- (b) if other business is carried on in the shop, the overtime employment of persons in relation to whom this subsection applies shall not be taken into account for the purposes of the application of the said proviso in relation to any other young persons:

Provided that, while the provisions of this subsection are applicable to a shop, section twenty-four of this Act shall, in relation to any young person employed in connection with the business aforesaid, have effect as if in proviso (b) to subsection (2) thereof there were inserted the following additional paragraph, that is to say—

- “(iii) (b) in any period of three consecutive weeks so that he is employed overtime about the business of the shop for more than twelve working hours in that period.”

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- (3) A notice given under subsection (1) or under subsection (2) of this section with respect to any shop and a notice withdrawing any such notice as aforesaid shall be given in such form, in such manner and subject to such conditions as may be prescribed to the local authority whose duty it is to enforce this section within the district in which the shop is situated, and any such notice shall take effect on such date after it is given as may be prescribed.
- (4) Where two or more retail trades or businesses are carried on in the same shop, and the business of serving customers with supplies or accessories for aircraft, motor vehicles, or cycles sold for immediate use is not the principal retail trade or business carried on in the shop, the provisions of this section shall apply only in relation to young persons employed about the business of the shop who are wholly or mainly employed in connection with the business of serving customers with such supplies or accessories as aforesaid.
- (5) In this section the expression "shop" includes any wholesale shop and any warehouse occupied for the purposes of his trade by any person carrying on any retail trade or business or by any wholesale dealer or merchant.

27 Hours of employment of persons under 16

- (1) Subject to the provisions of this section, no person who has not attained the age of sixteen years shall be employed about the business of a shop for more than the normal maximum working hours, that is to say, forty-four working hours in any week.
- (2) The occupier of a shop may, by exhibiting a notice to that effect, secure that the next following subsection shall be applicable to the shop during the week within which Christmas Day falls and either the week before or the week after that week, as may be specified in the notice.
- (3) When such a notice has been duly exhibited in the prescribed form and in the prescribed manner and at such time before the period therein specified as may be prescribed, then, in relation to a young person employed about the business of the shop who has not attained the age of sixteen years, the normal maximum working hours shall, as respects the period specified in the notice, be neither more than forty-eight in either week of that period nor more than eighty-eight throughout that period.
- (4) In the case of any contravention of the provisions of this section, the occupier of the shop shall be liable to a fine not exceeding ten pounds for every person in respect of whom the contravention occurs.
- (5) In this section the expression "shop" includes any wholesale shop and any warehouse occupied for the purposes of his trade by any person carrying on any retail trade or business or by any wholesale dealer or merchant.

28 Employment partly in factory and partly in shop

- (1) No young person who has to the knowledge of the occupier of a shop been previously employed on any day in a factory shall be employed on that day about the business of the shop for a longer period than will, together with the time during which he has been previously employed on that day in the factory, complete the number of hours permitted by the Factories Acts, 1937 and 1948.

- (2) In the case of any contravention of the provisions of this section, the occupier of the shop shall be liable to a fine not exceeding ten pounds for every person in respect of whom the contravention occurs.
- (3) In this section the expression "shop" includes any wholesale shop and any warehouse occupied for the purposes of his trade by any person carrying on any retail trade or business or by any wholesale dealer or merchant.

29 Method of computing hours of employment

- (1) In determining for the purposes of this Part of this Act the number of working hours for which a young person has in any week or period of two or three consecutive weeks been ..employed about the business of any shop, he shall be deemed to have been also employed about the business thereof during -any time during which he was in that week or period employed—
 - (a) about the business of any other shop ;
 - (b) in a factory;
 - (c) in or in connection with any process (not being a process to which section one hundred and six of the Factories Act, 1937, applies) carried on at any dock, wharf or quay to which section one hundred and five of the Factories Act, 1937, applies or any warehouse (except a warehouse which forms part of a factory or a warehouse occupied for the purposes of his trade by any person carrying on any retail trade or business or by any wholesale dealer or merchant) and by a person having the use or occupation of the dock, wharf, quay or warehouse or of premises within it or forming part of it;
 - (d) in or in connection with the processes of loading, unloading or coaling any ship in any dock, harbour or canal;
 - (e) in the collection or delivery of goods, or in any carrying, loading or unloading of goods incidental to the collection or delivery thereof;
 - (f) in connection with a business carried on at any premises in carrying messages or running errands, being employment wholly or mainly outside the premises;
 - (g) in collecting, carrying or delivering goods, carrying messages or running errands, being employed in connection with any business carried on at such a dock, wharf, quay or warehouse as is mentioned in paragraph (c) of this subsection and by a person having such use or occupation as is therein mentioned ;
 - (h) at a residential hotel or club in carrying messages or running errands, or in connection with the reception of guests or members thereat;
 - (i) in connection with the business carried on at any premises where a newspaper is published, in carrying messages or running errands;
 - (j) at a place of public entertainment or amusement, or at a public swimming-bath, bathing place or turkish bath, for carrying messages or running errands, or in the reception of or attendance upon persons resorting thereto;
 - (k) elsewhere than in a private dwelling-house, in the operation of a hoist or lift connected with mechanical power;
 - (l) in, or in connection with, the operation of cinematograph apparatus;
 - (m) at any premises occupied for the purposes of a laundry, dyeing or cleaning works or other factory, in receiving or despatching goods.

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- (2) If in any proceedings against the occupier of a shop in respect of a contravention of the provisions of this Part of this Act it is shown that the contravention occurred only by reason of time during which a young person was employed by another employer being deemed, in accordance with the provisions of this section, to be time during which he was employed about the business of that shop, it shall be a defence to prove that the occupier did not know and could not with reasonable diligence have ascertained that the young person was employed for that time by the other employer.
- (3) In this section the expression "shop" includes any wholesale shop and any warehouse occupied for the purposes of his trade by any person carrying on any retail trade or business or by any wholesale dealer or merchant, and for the purposes of subsection (1) of this section—
- (a) the expression "premises" means, in relation to a young person, premises occupied by his employer for the purposes of the business in connection with which that person is employed ; and
 - (b) the carrying on of a club shall be deemed to be a business notwithstanding that the club is not carried on for the purposes of profit:

Provided that, for the purposes of paragraphs (c), (d) and (g) of that subsection, the foregoing provisions of this subsection shall not apply but section one hundred and fifty-two of the Factories Act, 1937, shall apply for the interpretation of those paragraphs.

30 Power to regulate employment in spells

- (1) If the Secretary of State is satisfied that it is necessary to make provision for preventing the hours of employment of young persons from being so divided into spells as to deprive them of reasonable opportunities for instruction and recreation, he may make regulations directing that, subject to such exceptions and modifications as may be provided by the regulations, the working hours of a young person employed shall (notwithstanding anything in the definition of the expression "working hours" contained in this Act) be deemed, for the purposes of this Part of this Act, to include the period from the time at which that person first begins on any day to be employed about the business of a shop until the time at which he last ceases on that day to be so employed, exclusive only—
- (a) of such intervals, whether for rest or meals or otherwise ; and
 - (b) of time allowed for attendance at such instructional courses,
- as may be specified in the regulations.
- (2) The power under this section to make regulations shall be exercisable by statutory instrument, and any such statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) In this section the expression "shop" includes any wholesale shop and any warehouse occupied for the purposes of his trade by any person carrying on any retail trade or business or by any wholesale dealer or merchant.

31 Night employment

- (1) A young person who is employed about the business of a shop shall in every period of twenty-four hours between midday on one day and midday on the next day be allowed

an interval of at least eleven consecutive hours, which shall include the hours from ten o'clock in the evening until six o'clock in the morning:

Provided that the said interval of eleven consecutive hours need not include the hour between five and six o'clock in the morning in the case of male persons between the ages of sixteen and eighteen years who are employed during that hour in connection with the collection or delivery of milk or bread or newspapers.

- (2) As respects male persons between the ages of sixteen and eighteen years whose employment is wholly or mainly in connection with the business of serving meals to customers for consumption on the premises, the interval of at least eleven consecutive hours required by this section need not include any time between ten o'clock in the evening and midnight during which they are wholly employed in connection with that business.
- (3) As respects young persons between the ages of sixteen and eighteen employed wholly or mainly in connection with any retail trade or business carried on in a theatre where a performance is taking place which begins before and ends after ten o'clock in the evening, the interval of at least eleven consecutive hours required by this section need not include any time between ten o'clock in the evening and the time at which the performance ends.
- (4) In the case of any contravention of the provisions of this section, the occupier of the shop shall be liable to a fine not exceeding ten pounds for every person in respect of whom the contravention occurs.
- (5) In this section the expression "shop" includes any wholesale shop and any warehouse occupied for the purposes of his trade by any person carrying on any retail trade or business or by any wholesale dealer or merchant.

32 Records

- (1) Subject to the provisions of this section, the occupier of any shop about the business of which young persons are employed shall in the prescribed form and in the prescribed manner keep a record of the hours worked by, and of the intervals allowed for rest and meals to, every young person employed about the business of the shop, and particulars of all employment overtime shall be separately entered in the record.
- (2) If the occupier of any shop keeps exhibited in the prescribed manner in the shop or in any department thereof notices in the prescribed form specifying the daily hours to be worked by, and intervals for rest and meals to be allowed to, young persons employed about the business of the shop or of the department, as the case may be, he need only enter in the said record any time during which any such person is employed about the business of the shop or department outside the daily hours so specified or during the intervals so specified:

Provided that any such time shall be entered as, and shall be deemed to be, overtime, unless the time was worked by that person in lieu of time not worked by him during the same week within the specified daily hours, and both the time not so worked and the time worked in lieu thereof are entered in the record.

- (3) The occupier of any shop about the business of which young persons are employed shall in the prescribed form and in the prescribed manner keep exhibited in the shop notices setting forth the number of hours in the week during which young persons may

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in accordance with the provisions of this Act be employed about the business of the shop and such other particulars as may be prescribed.

- (4) The provisions of the last foregoing subsection shall not apply as respects any place in which retail trade or business is carried on, not being a shop.
- (5) In the case of any contravention of the foregoing provisions of this section, the occupier of the shop shall be liable to a fine not exceeding five pounds for every day on which the contravention occurs or continues.
- (6) If any person with intent to deceive makes, or causes or allows to be made, in any such record or notice as aforesaid an entry which is to his knowledge false in any material particular, or wilfully omits or causes or allows to be omitted from any such record or notice an entry required to be made therein, he shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding twenty pounds, or to both such imprisonment and fine.
- (7) In this section the expression "shop" includes any wholesale shop and any warehouse occupied for the purposes of his trade by any person carrying on any retail trade or business or by any wholesale dealer or merchant.

33 Extension of foregoing provisions as to young persons to retail trading elsewhere than in shops

The provisions of section twenty-four and sections twenty-seven to thirty-two of this Act shall extend to the employment of young persons in connection with any retail trade or business carried on in any place not being a shop, and accordingly—

- (a) in those provisions references to employment about the business of a shop shall be deemed to include references to such employment as aforesaid, and
- (b) for the purposes of the application of those provisions to such employment, references in this Act to a shop shall be deemed to include references to the place in or from which the retail trade or business is carried on, and references to the occupier of a shop shall be deemed to include references to the person by whom the retail trade or business is carried on.

34 Cases where foregoing provisions as to employment of young persons do not apply

- (1) Sections twenty-four to thirty-three of this Act shall not apply to—
 - (a) any person employed in a residential hotel who is not a shop assistant within the meaning of section seventy-four of this Act, or, in the case of a person employed at premises to which the provisions of section twenty-one of this Act apply, is not wholly or mainly employed there in connection with the business of selling intoxicating liquors or refreshments for consumption on the premises;
 - (b) the employment of persons in or about a theatre except in relation to young persons employed wholly or mainly in connection with any retail trade or business carried on in the theatre.
- (2) Sections twenty-four to thirty-three of this Act, except for the provisions of sections twenty-eight and twenty-nine in so far as they relate to employment in a factory, shall not apply with respect to the employment of persons whose hours of employment are regulated by or under the Factories Acts, 1937 and 1948.

For the purposes of this subsection, employment wholly or mainly outside a factory in collecting, carrying or delivering goods, carrying messages or running errands, being employment for the purposes of retail trade or business carried on from the factory, shall be deemed not to be employment in the business of the factory.

35 Birth certificates

- (1) Where the age of any person is required to be ascertained or proved for the purposes of this Part of this Act, any person shall, on presenting a written requisition in such form and containing such particulars as may be from time to time directed by the Registrar-General and on payment of a fee of sixpence, be entitled to obtain a certified copy under the hand of a registrar or superintendent registrar of the entry in the register under the Births and Deaths Registration Acts, 1836 to 1929, of the birth of that person ; and such a form of requisition shall on request be supplied without charge by every registrar and superintendent registrar of births, deaths and marriages.
- (2) This section shall have effect in Scotland as if for references to the Registrar-General and the Births and Deaths Registration Acts, 1836 to 1929, there were respectively substituted references to the Registrar-General of Births, Deaths and Marriages in Scotland and the Registration of Births, Deaths and Marriages (Scotland) Acts, 1854 to 1938, and as if any reference to a superintendent registrar were omitted.

36 Interpretation of provisions as to employment of young persons

- (1) For the purposes of sections twenty-four to thirty-five of this Act, a person who works about the business of a shop for the occupier thereof, or in connection with any retail trade or business for the person by whom it is carried on, shall be deemed to be employed, notwithstanding that he receives no reward for his labour.
- (2) For the purposes of the said sections, employment in connection with a wholesale shop or a warehouse occupied by a wholesale dealer or merchant which is neither—
 - (a) employment within the premises ; nor
 - (b) employment in the collection or delivery of goods or in attendance upon customers or in carrying messages or running errands,shall not be deemed to be employment about the business of a shop; but, save as aforesaid, any employment in the service of the occupier of the shop upon any work, whether within the shop or outside it, which is ancillary to the business carried on at the shop shall be deemed to be employment about the business of the shop, and that expression shall be construed accordingly.

Arrangements for health and comfort of shop-workers

37 Seats for female shop-workers

- (1) In all rooms of a shop where female shop assistants are employed in the serving of customers, the employer shall provide seats behind the counter, or in such other position as may be suitable for the purpose, and such seats shall be in the proportion of not less than one seat to every three female shop assistants employed in each room.
- (2) It shall be the duty of the occupier of the shop to permit the female shop assistants to make use of such seats whenever the use thereof does not interfere with their work,

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and the occupier shall in the prescribed manner and in the prescribed form give notice informing the shop assistants that they are intended to do so.

- (3) Any person failing to comply with the provisions of this section shall be liable—
- (a) for a first offence to a fine not exceeding three pounds; and
 - (b) for a second or subsequent offence to a fine of not less than one pound and not exceeding five pounds.

38 Sanitary and other arrangements in shops

- (1) In every part of a shop in which persons are employed about the business of the shop—
- (a) suitable and sufficient means of ventilation shall be provided and suitable and sufficient ventilation shall be maintained;
 - (b) suitable and sufficient means shall be provided to maintain a reasonable temperature and a reasonable temperature shall be maintained.
- (2) In every shop, not being a shop exempted from the provisions of this subsection, there shall be provided and maintained suitable and sufficient sanitary conveniences available for the use of persons employed in or about the shop.
- (3) In every part of a shop in which persons are employed about the business of the shop, suitable and sufficient means of lighting shall be provided, and every such part of a shop shall be kept suitably and sufficiently lighted.
- (4) In every shop, not being a shop exempted from the provisions of this subsection, there shall be provided and maintained suitable and sufficient washing facilities available for the use of persons employed in or about the shop.
- (5) Where persons employed about the business of a shop take any meals in the shop, there shall be provided and maintained suitable and sufficient facilities for the taking of those meals.
- (6) A shop shall be exempted from the provisions of subsection (2) or of subsection (4) of this section if there is in force a certificate exempting that shop therefrom granted by the authority whose duty it is to enforce those provisions respectively.

Any such certificate shall remain in force until it is withdrawn by the authority, but no such certificate shall be granted with respect to any shop unless the authority are satisfied that by reason of restricted accommodation or other special circumstances affecting the shop it is reasonable that such a certificate should be in force with respect thereto, and that suitable and sufficient sanitary conveniences or washing facilities, as the case may be, are otherwise conveniently available, and, subject as hereinafter provided, a certificate in force with respect to any shop shall be withdrawn if the authority at any time cease to be so satisfied as aforesaid:

Provided that, if the occupier of a shop is aggrieved by the withdrawal of such a certificate, he may appeal to the county court for the district in which the shop is situated and that court may make such order concerning the certificate as appears to the court, having regard to the matters aforesaid, to be just and equitable.

- (7) If it appears to the authority whose duty it is to enforce any provision of this section that there has been, in the case of any shop, a contravention of that provision, the authority shall, by notice served on the owner or occupier of the shop, require him to take, within such time as may be limited by the notice, such action as may be specified in the notice for the purpose of securing compliance with the said provision.

If any person served with such a notice fails to comply with the requirements thereof, he shall be liable—

- (a) to a fine not exceeding twenty pounds, or
- (b) in the case of a second or subsequent conviction in respect of the same requirement, to a fine not exceeding fifty pounds or five pounds for every day since the first conviction in respect of that requirement, whichever is the greater:

Provided that it shall be a defence to any proceedings under this subsection to prove that there was no contravention of the provisions of this section, or that the requirements or any such notice as aforesaid were, within a reasonable time after service of the notice, complied with in so far as they were necessary to secure compliance with the provisions of this section.

(8) In this section—

"shop" includes any wholesale shop and any warehouse occupied for the purposes of his trade by any person carrying on any retail trade or business or by any wholesale dealer or merchant;

"suitable and sufficient" means, in relation to any shop or part of a shop, suitable and sufficient having regard to the circumstances and conditions affecting that shop or part.

(9) For the purposes of this section, a person who works about the business of a shop for the occupier thereof, or in connection with any retail trade or business for the person by whom it is carried on, shall be deemed to be employed, notwithstanding that he receives no reward for his labour.

(10) For the purposes of this section, employment in connection with a wholesale shop or a warehouse occupied by a wholesale dealer or merchant which is neither—

- (a) employment within the premises; nor
- (b) employment in the collection or delivery of goods or in attendance upon customers or in carrying messages or running errands,

shall not be deemed to be employment about the business of a shop; but, save as aforesaid, any employment in the service of the occupier of a shop upon any work, whether within the shop or outside it, which is ancillary to the business carried on at the shop shall be deemed to be employment about the business of a shop, and that expression shall be construed accordingly.

39 Apportionment of expenses under last section

(1) If any person, being either the owner or the occupier of a shop, who has incurred or is about to incur any expense for the purpose of securing that the requirements of the last foregoing section are complied with with respect to the shop, alleges that the whole or any part of the expense ought to be borne by any other person having an interest in the premises, he may apply to the county court for the district in which the shop is situated and that court may make such order concerning the expenses or their apportionment as appears to the court, having regard to all the circumstances of the case, including the terms of any contract between the parties, to be just and equitable, and any order made under this section may direct that any such contract as aforesaid shall cease to have effect in so far as it is inconsistent with the terms of the order.

Status: This is the original version (as it was originally enacted).

- (2) In this section the expression "shop" includes any wholesale shop and any warehouse occupied for the purposes of his trade by any person carrying on any retail trade or business or by any wholesale dealer or merchant.

PART III

MODIFICATIONS OF PARTS I AND II IN SPECIAL CASES

40 Suspension of weekly half-holiday in holiday resorts

- (1) In places frequented as holiday resorts during certain seasons of the year the local authority may by order suspend, for such period or periods as may be specified in the order, not exceeding in the aggregate four months in any year, the obligation imposed by this Act to close shops on the weekly half-holiday.
- (2) Any order made under this section may be made so as to apply to the whole or to any part of the area of the local authority, and to all shops, or to shops of any class, within that area or part.
- (3) Where the occupier of any shop in any place in which any such order of suspension is in force satisfies the local authority that it is the practice to allow all his shop assistants a holiday on full pay of not less than two weeks in every year, and keeps affixed in his shop a notice to that effect, the requirement that on one day in each week a shop assistant shall not be employed after half-past one o'clock shall not apply to the shop during such period or periods as aforesaid.

41 Alteration of general closing hours in holiday resorts and sea fishing centres

- (1) In places frequented as holiday resorts during certain seasons of the year, and in places where sea fishing is principally carried on during certain seasons of the year, the local authority shall by order, during such period as may be specified in the order, substitute for the general closing hours fixed by or under this Act such later hours as they may think fit if, upon application being made to them for an order under this section, they are satisfied that such an order is desired by the occupiers of a majority of the shops to be affected by the order:

Provided that the local authority shall not in any year by orders under this subsection substitute later hours for the general closing hours fixed by this Act for periods exceeding four months in the aggregate in that year.

- (2) Any order under this section—
- (a) may be made so as to apply to the whole or to any part of the area of the local authority, and to all shops, or to shops of any class, within that area or part; and
 - (b) shall be made subject to such conditions as the local authority may consider necessary for securing that shop assistants affected by the order shall not be employed in or about the business of a shop for more than such number of hours as may be specified by the order; and
 - (c) may suspend the operation of any closing order which is for the time being in force in the area of the local authority.
- (3) In the case of any breach of a condition imposed by any order made under this section, the occupier of the shop shall be liable to a fine not exceeding—

- (a) in the case of a first offence, five pounds ;
- (b) in the case of a second or subsequent offence, twenty pounds.

In considering for the purposes of this subsection whether an offence is or is not a first offence, any offence under subsection (2) of section fourteen or subsection (3) of section forty-two of this Act shall be treated as if it were an offence under this subsection.

- (4) If, while orders made under this section are in force, any shop assistant affected by any order under this section is, in any year, employed in or about the business of a shop for extra hours, he shall, subject to the provisions of the Fourth Schedule to this Act, be entitled to corresponding holidays, calculated in accordance with the provisions of that Schedule, with full wages.

If at the date of the termination of his employment or at the end of the year, whichever first occurs, default has been made in granting to him any holiday or wages to which he is entitled under this subsection, the shop assistant may recover as a debt due from the employer for every day's holiday in respect of which such default has been made a sum equal to one-sixth of the highest weekly rate of wages paid to him in respect of his employment in or about the business of the shop during the year or the part thereof during which he has been employed therein.

- (5) For the purposes of this section and the said Fourth Schedule—

" extra hours " means, in relation to any shop assistant, hours in excess of the customary working day, being hours after the general closing hours fixed by or under this Act otherwise than by an order made under this section;

" customary working day " means, in relation to any shop assistant, the daily number of hours during which shop assistants of his class are, while unaffected by any order made under this section, customarily employed in or about the business of the shop in which he is employed ;

" full wages " means, in relation to any holiday granted to a shop assistant, wages at a rate equivalent to the rate of wages to which he was entitled immediately before the holiday.

- (6) In the case of a shop as respects which an order under this section is in force on the first Sunday in November in any year, the provisions of Part I of this Act as to general closing hours in the winter months shall not be construed as making earlier the hours at which the shop is required to be closed while the order remains in force.

42 Alteration of general closing hours and closing orders for exhibitions

- (1) As respects any retail trade or business carried on at an exhibition or show within the area of a local authority, the local authority may by order substitute for the general closing hours fixed by or under this Act, or for any closing hour fixed by a closing order, later hours, not being later than ten o'clock in the evening, if they are satisfied that the retail trade or business so carried on is subsidiary or ancillary only to the main purpose of the exhibition or show.
- (2) Any order under this section shall be made subject to such conditions as the local authority may consider necessary for securing that shop assistants affected by the order shall not be employed in or about the retail trade or business to which the order relates for more than such number of hours as may be specified by the order.

Status: This is the original version (as it was originally enacted).

- (3) In the case of any breach of a condition imposed by any order made under this section, the occupier of the shop shall be liable to a fine not exceeding—
- (a) in the case of a first offence, five pounds;
 - (b) in the case of a second or subsequent offence, twenty pounds.

In considering for the purposes of this subsection whether an offence is or is not a first offence, any offence under subsection (2) of section fourteen or subsection (3) of section forty-one of this Act shall be treated as if it were an offence under this subsection.

- (4) In the case of a shop as respects which an order under this section is in force on the first Sunday in November in any year, the provisions of Part I of this Act as to general closing hours in the winter months shall not be construed as making earlier the hours at which the shop is required to be closed while the order remains in force.

43 Suspension of general closing hours and closing orders on special occasions

- (1) The Secretary of State may by order for such periods as he thinks fit suspend the operation of the provisions of this Act relating to general closing hours during the Christmas season or in connection with any other special occasion, and while any order made under this subsection is in force the provisions of any closing order shall be deemed to be suspended except in so far as may be otherwise directed by the order of the Secretary of State.

The power of making orders under this subsection shall be exercisable by statutory instrument.

- (2) A local authority may, in connection with any special occasion, by order suspend the operation of the provisions of this Act relating to general closing hours and the provisions of any closing order made by them for such period as they may think fit:

Provided that a local authority shall not in any year by orders under this subsection suspend the operation of the said provisions for more than seven days in the aggregate in that year.

- (3) The Secretary of State may cause a local enquiry to be held for the purposes of any of his powers and duties under this section, and section sixteen of this Act shall apply in relation to any such local enquiry.

44 Exemptions for post office business

- (1) Where post office business is carried on in any shop in addition to any other business, this Act shall apply to that shop subject to the following modifications:—
- (a) if the shop is a telegraph office, the obligation to close on the weekly half-holiday shall not apply to the shop so far as relates to the transaction of post office business thereat;
 - (b) where the Postmaster-General certifies that the exigencies of the postal service require that post office business should be transacted in any such shop at times when under the provisions of this Act relating to the weekly half-holiday the shop would be required to be closed, or under conditions not authorised by sections seventeen to twenty of this Act, the shop shall, for the purpose of the transaction of post office business, be exempted from the provisions of Part I

and sections seventeen to twenty of this Act to such extent as the Postmaster-General may certify to be necessary for the purpose:

Provided that in such cases the Postmaster-General shall make the best arrangements that the exigencies of the postal service allow with a view to the conditions of employment of the persons employed being on the whole not less favourable than those secured by Part I and sections seventeen to twenty of this Act:

- (2) Save as aforesaid, nothing in Part I or sections seventeen to twenty of this Act shall apply to post office business, or to any premises in which post office business is transacted.

45 Exemption for fairs, etc., and non-profit-making libraries

Nothing in Part I or sections seventeen to twenty-one or section thirty-seven of this Act shall apply—

- (a) to any fair lawfully held or any bazaar or sale of work for charitable or other purposes from which no private ; profit is derived ; or
- (b) to any library at which the business of lending books or periodicals is not carried on for purposes of gain other than that of making profits for some philanthropic or charitable object (including any religious or educational object), or for any club or institution which is not itself carried on for purposes of gain.

46 Exemption for Industrial and Provident Societies' libraries

Nothing in the provisions of Part I or II of this Act other than those relating to Sunday employment shall apply to any library which, on the first day of January, nineteen hundred and thirty-six, was carried on by a society registered under the Industrial and Provident Societies Acts, 1893 to 1928, mainly for the purpose of affording to its members means of education or recreation, so long as the following conditions are complied with, that is to say—

- (a) that the library continues to be carried on by the society mainly for the purpose aforesaid ;
- (b) that no pecuniary profit is directly derived from the lending of books or periodicals at or from the library ;
- (c) that no person employed about the business of any shop occupied by the society is engaged about the business of the library.

PART IV

SUNDAY TRADING

General provisions in England and Wales

47 Closing of shops on Sunday

Every shop shall, save as otherwise provided by this Part of this Act, be closed for the serving of customers on Sunday:

Status: This is the original version (as it was originally enacted).

Provided that a shop may be open for the serving of customers on Sunday for the purposes of any transaction mentioned in the Fifth Schedule to this Act.

48 Partial exemption orders

(1) The local authority may by order (in this Part of this Act referred to as a "partial exemption order") made in accordance with the provisions of this Part of this Act provide that shops situated in their area or in such part thereof as is specified in the order may for the purposes of such of the transactions mentioned in the Sixth Schedule to this Act as may be so specified be open for the serving of customers on Sunday subject to the limitations hereafter provided.

(2) A partial exemption order shall not authorise a shop to be open for the serving of customers after ten o'clock on Sunday morning:

Provided that an order may authorise the serving of customers after ten o'clock on Sunday morning in shops to which the order applies in cases of emergency and in such other cases as may be specified in the order.

(3) A partial exemption order may contain such incidental, supplemental or consequential provisions as may appear to the local authority necessary or proper.

49 Sale of meals and refreshments off the premises

(1) As respects shops which, by virtue of the provisions of this Part of this Act, may be open for the serving of customers on Sunday for the purpose of the sale of meals or refreshments for consumption elsewhere than at the shop at which they are sold, the local authority may by order made in accordance with the provisions of this Part of this Act provide that those shops or any class of those shops specified in the order, being shops -situated in their area or in such part thereof as may be so specified, shall cease to be entitled to be open for the serving of customers on Sunday for that purpose:

Provided that no order made under this section shall—

- (a) apply to shops in which the sale of meals or refreshments for consumption at the shop forms a substantial part of the business carried on therein ; or
- (b) prevent the sale on Sunday of meals and refreshments elsewhere than at a shop except to such extent and subject to such conditions as may be specified in the order.

(2) An order under this section may provide for the provisions thereof being in force throughout the year or during such periods as may be specified in the order, and may be made subject to such conditions as may be so specified.

50 Shops where several trades or businesses are carried on

Where several trades or businesses are carried on in the same shop and any of those trades or businesses consist only of transactions of such a nature that, if they were the only transactions carried on in the shop, the provisions of this Part of this Act requiring the shop to be closed for the serving of customers for the whole or any part of Sunday would not apply to the shop, the shop may be kept open for the whole or any part of Sunday, as the case may be, for the purposes of those transactions alone, subject, however, to such conditions as may be prescribed.

51 Holiday resorts

Where the area or any part of the area of a local authority is a district which is frequented as a holiday resort during certain seasons of the year, the local authority may by order provide that on such Sundays as may be specified in the order shops or any class of shops, being shops situated in the district or in such part thereof as may be so specified, may, subject to such conditions and during such hours as may be so specified, be open for the serving of customers for the purpose of any of the transactions specified in the Seventh Schedule to this Act or such of them as may be specified in the order:

Provided that the Sundays specified in any such order shall not be more than eighteen in any year.

52 Making and revocation of orders

- (1) The local authority shall, before making any order under the foregoing provisions of this Part of this Act, give public notice in the prescribed manner of their intention to make the order, specifying in the notice a period (not being less than the prescribed period) within which objections may be made to the making of the proposed order, and, if after taking into consideration any objections they have received the local authority are satisfied that it is expedient to make the order and that the occupiers of not less than two-thirds in number of the shops or classes of shops to be affected by the order approve the order, they may make the order.
- (2) Where several trades or businesses are carried on in the same shop, the local authority may require the occupier of the shop to specify which trade or business he considers to be his principal trade or business, and no trade or business other than that so specified shall, for the purpose of determining whether the occupiers of not less than two-thirds in number of the shops to be affected by any order approve the order, be considered as carried on in the shop, unless the occupier thereof satisfies the local authority that it forms a substantial part of the business carried on in the shop.

53 Persons observing the Jewish Sabbath

- (1) Subject to the provisions of this section, the occupier of any shop who is a person of the Jewish religion shall be entitled, upon making to the local authority an application in accordance with the provisions of this section, to have the shop registered under this section by the local authority, and so long as the shop is so registered then—
 - (a) the shop shall be closed for all purposes connected with trade or business on Saturday; and
 - (b) the provisions of this Part of this Act requiring the shop to be closed for the serving of customers on Sunday shall not apply until two o'clock in the afternoon; and
 - (c) there shall be kept conspicuously placed in the shop a notice stating that it will be closed on Saturday and, if the shop will be open for the serving of customers on Sunday after two o'clock in the afternoon for the purposes of any transaction for which it is permitted under this Part of this Act to be so open, specifying the hours during which, and the purposes for which, it will be so open.
- (2) Any application for the registration of a shop under this section shall be in the prescribed form and shall be accompanied—

Status: This is the original version (as it was originally enacted).

- (a) by a statutory declaration made by the occupier of the shop in such form as may be prescribed declaring that he conscientiously objects on religious grounds to carrying on trade or business on the Jewish Sabbath; and
 - (b) by such further statutory or other declarations and certificates, if any, made by such persons, and in such form, as may be prescribed.
- (3) For the purposes of this section, a shop occupied by a partnership or company shall be deemed to be occupied by a person of the Jewish religion if the majority of partners or of the directors, as the case may be, are persons of that religion, but not otherwise, and such a shop shall not be registered under this section unless the statutory declaration required by paragraph (a) of the last foregoing subsection is made by the majority of partners or directors and specifies the names and addresses of all the other partners or directors.
- (4) If for the purpose of procuring the registration of any shop under this section any person knowingly or recklessly makes an untrue statement or untrue representation, he shall be liable, on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds, or to both such imprisonment and fine.
- (5) So long as a shop is registered under this section—
- (a) no other shop occupied by the same occupier shall be kept open for any purpose connected with trade or business on Saturday;
 - (b) no person by whom the statutory declaration aforesaid has been made in connection with the application for the registration of the shop shall be employed or engaged on the Jewish Sabbath about the business of any shop or shall so employ, or be directly concerned in the control or management of any partnership or company which so employs, any person.
- (6) Where any person is convicted of a contravention of this section, the court may, in addition to any other penalty, order the registration of any shops occupied by him or by any partnership or company in the control or management of which he is directly concerned to be revoked:

Provided that the court shall not order the registration of any shop not occupied, or not occupied solely, by the person convicted to be revoked except after affording an opportunity to the occupier or to the other occupiers, as the case may be, to appear and be heard.

- (7) If upon representations made to them it appears to the local authority that there is reason to believe—
- (a) that the occupier of any shop registered under this section is not a person of the Jewish religion; or
 - (b) that a conscientious objection on religious grounds to carrying on business on the Jewish Sabbath is not genuinely held by the occupier of the shop, or in the case of a shop occupied by a partnership or company by the majority of the partners or of the directors, as the case may be,

the local authority may furnish particulars of the case to such tribunal as may, after consultation with the London Committee of Deputies of the British Jews, be prescribed, and if that tribunal, after considering the case in accordance with such rules as may be prescribed, report to the local authority that in their opinion the occupier of the shop is not a person of the Jewish religion or that such a conscientious objection is not so held as aforesaid, the local authority shall revoke the registration of the shop, and upon the revocation thereof the registration under this section of all other shops

occupied by the same occupier, whether in the area of that local authority or elsewhere, shall be deemed to be also revoked.

- (8) In the event of any change in the occupation of a shop registered under this section, it shall be the duty of the person who becomes the occupier to serve on the local authority notice of the change, and in the event of any change in any partnership or among the directors of any company by which such a shop is occupied, it shall be the duty of the partnership, or of the company, as the case may be, to serve on the local authority a notice giving particulars of the change, and, whether or not such a notice is served, the registration of the shop shall, upon the expiration of a period of fourteen days from the date on which the change occurred, be deemed to be cancelled, unless within that period, or within such further time as may be allowed by the local authority, a fresh application under this section is made in respect of the shop:

Provided that, where such a fresh application is made by reason of a change in any partnership or among the directors of any company by which the shop is occupied, the local authority may dispense with the statutory or other declaration or certificates required by paragraph (a) of subsection (2) and by subsection (3) of this section in the case of any person who has made such a declaration in connection with a former application in respect of that shop or any other shop in the area of the local authority.

- (9) The registration of any shop under this section shall be cancelled upon application in that behalf being made to the local authority by the occupier of the shop, but shall not be so cancelled during the period of twelve months from the date on which an application for registration of the shop was last made.
- (10) Where an application is made to a local authority in accordance with the provisions of this section for the registration of a shop under this section—
- (a) the local authority shall refuse to register the shop if the registration of that shop has been revoked or has been cancelled under the last foregoing subsection while the shop was in the occupation of the applicant; and
 - (b) the local authority may refuse to register the shop if the registration of that shop or of any other shop occupied or formerly occupied by the applicant, or by any partnership or company of which he was a partner or director, has been revoked or cancelled.
- (11) Where the local authority refuse to register a shop in accordance with the provisions of paragraph (b) of the last foregoing subsection, they shall serve notice of their refusal upon the applicant, and, if the applicant is aggrieved by such refusal, he may, within twenty-one days of the date when the notice was so served upon him, appeal against such refusal to a court of summary jurisdiction for the petty sessional division in which the shop is situated, and the appellant or the local authority, if aggrieved by the order made by the court of summary jurisdiction, may appeal against that order to quarter sessions.
- (12) This section shall apply to persons who are members of any religious body regularly observing the Jewish Sabbath as it applies to persons of the Jewish religion, and references therein to persons of the Jewish religion shall be construed accordingly as including any person who is a member of such a body, and in the application of this section to such persons this section shall have effect as if for the reference therein to the London Committee of Deputies of the British Jews there were substituted a reference to such body as appears to the Secretary of State to represent such persons.
- (13) As respects any shop which is for the time being registered under this section, this Act shall have effect as if—

Status: This is the original version (as it was originally enacted).

- (a) in subsection (1) of section one and subsection (1) of section seventeen, the references to weekdays were construed as references to weekdays other than Saturdays;
- (b) throughout subsection (2) of section one " Friday " were substituted for " Saturday ".

54 Special provisions for London

- (1) If the Common Council of the City of London or the London County Council are satisfied that any part of their respective areas—
- (a) is a district in which it was, before the first day of January, nineteen hundred and thirty-six, customary to hold street markets on Sunday ; or
 - (b) is a district, being a district within the City of London or the metropolitan boroughs of Bethnal Green, Shoreditch, or Stepney, in which it was customary before the said date for the majority of the shops in the district to be kept open on Sunday and that, having regard to the character and habits of the population in the district, the application of the provisions of this Part of this Act requiring shops to be closed on Sunday would cause undue hardship,

they may, by order made in accordance with the provisions of this section, authorise such shops or classes of shops as may be specified in the order, being shops situated in the district or in such parts of the district as may be so specified, to be open for the serving of customers on Sunday until two o'clock on Sunday afternoon subject to the conditions hereinafter mentioned:

Provided that, before making an order applying to any district referred to in paragraph (b) of this subsection, the council shall take steps to ascertain the wishes of the occupiers of such shops as appear to them to be likely to be affected, and, if they are satisfied that the occupiers of a majority of any class of such shops are opposed to the making of the order, the council shall exclude that class of shops from the operation of the order.

- (2) Any order made under this section authorising shops to be kept open for the serving of customers on Sunday shall fix a week-day upon which such shops must be closed (in this section referred to as " the closing day "), and may fix different days for different classes of shops, and the occupier of a shop who intends to keep open the shop on Sunday in pursuance of the order shall give notice in writing to the Common Council of the City of London or to the London County Council, as the case may be, of his intention so to do, and he shall not keep open the shop on Sunday unless such notice has been given and the shop has been closed on the closing day in the preceding week in like manner and for the like purposes as it would, but for the order, have been required by this Part of this Act to be closed on Sunday:

Provided that—

- (a) the closing day so fixed shall be a day other than the day fixed for the weekly half-holiday by an order made under section one of this Act, and the occupier of a shop shall not be entitled to keep his shop closed for the purposes of the weekly half-holiday required by the provisions of that section on the closing day:
- (b) where the closing day so fixed is a day other than Saturday, the order shall provide for enabling Saturday to be substituted as the closing day as respects any shop.

- (3) Any order made under this section shall contain such provisions as may be necessary or expedient to secure—
- (a) that where a notice has been given under the last foregoing subsection to the Common Council of the City of London or to the London County Council by the occupier of a shop, the shop shall not be kept open on the closing day during a period of not less than six months from the date when the notice was given ; and
 - (b) that so long as the shop is kept open on Sunday in pursuance of the order, such notices as the Common Council of the City of London or the London County Council, as the case may be, may require, shall be kept exhibited in the shop.
- (4) The Common Council of the City of London or the London County Council shall, before making any order under this section, give public notice of their intention to make the order, defining by reference to a map the district or parts of the district to which the order is to apply and the times and places at which the map may be inspected, and specifying a period (not being less than four weeks) within which objections may be made to the making of the proposed order, and if, after taking into consideration any objections they have received, the Common Council of the City of London or the London County Council are satisfied that it is expedient to make the order, they may make the order, and the provisions of subsections (2) and (3) of section nine and the provisions of section sixteen of this Act shall have effect as if any such order, or any order varying or revoking such an order, were a closing order.

55 Delivery of goods

Goods sold retail to a customer shall not be delivered or dispatched for delivery from a shop at any time when under the provisions of this Part of this Act a customer could not be served with those goods in that shop:

Provided that this section shall not apply—

- (a) on any Sunday being also Christmas Day; or
- (b) on any Sunday when the succeeding Monday is Christmas Day.

56 Savings

- (1) Nothing in this Part of this Act shall prevent—
- (a) the sale, dispatch or delivery of victuals, stores or other necessaries required by any person for a ship or aircraft on her arrival at, or immediately before her departure from, a port or aerodrome;
 - (b) the sale, dispatch or delivery of goods to a club for the purposes of the club ;
 - (c) the cooking on Sunday, before half-past one o'clock in the afternoon, at any shop of any food brought to that shop by a customer and required by him for consumption on that day, or the dispatch or delivery not later than the hour aforesaid of any such food so cooked.
- (2) Where any person is charged with keeping open a shop for the serving of customers, or with dispatching or delivering goods, in contravention of this Part of this Act, it shall be a good defence to prove that reasonable grounds existed for believing that the goods supplied, dispatched or delivered were required in the case of illness.
- (3) Where any person is charged with keeping open for the serving of customers in contravention of this Part of this Act a shop which is permitted to be open until a

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certain hour by reason of his having served a customer after that hour, it shall be a good defence to prove that the customer was in the shop before that hour and left the shop not later than half-an-hour after that hour.

- (4) Notwithstanding anything in section forty-seven of this Act, any person carrying on or employed in the business of a hairdresser or barber may, at any time, for the purposes of that business attend any person—
- (a) in any place, if such attendance is necessary by reason of the bodily or mental infirmity of that person ; or
 - (b) in any hotel or club, if that person is resident therein.
- (5) If the local authority are satisfied that any person engaged in handicraft at his home is dependent for his livelihood upon the sale on Sunday of articles produced by him in the course of his handicraft to such extent that the prohibition of such sale would involve substantial hardship, they may grant to him a certificate exempting him during such period as may be specified in the certificate from any of the foregoing provisions of this Part of this Act in respect of the sale of those articles during such hours and subject to such conditions as may be so specified.
- (6) The foregoing provisions of this Part of this Act shall not apply to any sea-going ship.

57 Notices

The occupier of any shop which by virtue of the foregoing provisions of this Part of this Act is open for the serving of customers on Sundays shall cause to be kept conspicuously posted in the shop a notice in the prescribed form stating the terms of any order applying to the shop.

58 Extension of foregoing provisions of Part IV to retail trading elsewhere than in shops

The foregoing provisions of this Part of this Act except—

- (a) those provisions of section fifty-two and section fifty-four which relate to the approval by occupiers of shops of orders made under those sections; and
- (b) paragraph (c) of subsection (1) of section fifty-three; and
- (c) the last foregoing section,

shall extend to any place where any retail trade or business is carried on as if that place were a shop, and as if in relation to any such place the person by whom the retail trade or business is carried on were the occupier of a shop:

Provided that the provisions of section forty-seven of this Act shall, as applied by this section, have effect as if there were included in the Fifth Schedule to this Act the sale by fishermen of freshly caught fish (including shellfish) and the sale at a farm, smallholding, allotment or similar place, of produce produced thereon.

59 Offences connected with Sunday trading

- (1) In the case of any contravention of any of the foregoing provisions of this Part of this Act, the occupier of the shop shall be liable to a fine not exceeding—
- (a) in the case of a first offence, five pounds;
 - (b) in the case of a second or subsequent offence, twenty pounds.

In considering for the purposes of this subsection whether an offence is or is not a first offence, any offence under subsection (6) of section twenty-two of this Act shall be treated as if it were an offence under this subsection.

- (2) A person who carries on the business of a shop, or carries on retail trade or business at any place not being a shop, on Sunday in accordance with the foregoing provisions of this Part of this Act, shall not be deemed to commit an offence against any of the following enactments, namely—
- (a) the Sunday Fairs Act, 1448 ; or
 - (b) the Act of the third year of His late Majesty King Charles the First, chapter three, for the further reformation of sundry abuses committed on the Lord's Day commonly called Sunday; or
 - (c) the Sunday Observance Act, 1677.

Retail meat dealers' shops in England and Wales

60 Exclusion of foregoing provisions as to Sunday trading in the case of retail meat dealers

Nothing in the foregoing provisions of this Part of this Act shall apply to the carrying on on Sunday of the business of a retail dealer in butchers' meat.

61 Business of retail dealer in meat not to be carried on Sunday

Subject to the following provisions of this Part of this Act, it shall not be lawful for any person to carry on the business of a retail dealer in butchers' meat on Sunday, and, where the business is carried on in a shop, the shop shall for the purposes of that business be closed for the serving of customers on Sunday.

62 Exemption as respects Jewish retail dealers in meat

- (1) Notwithstanding anything in this or any other Act prohibiting the carrying on of business on Sunday, any person of the Jewish religion may carry on the business of a retail dealer in Kosher meat and may keep open a shop for the serving of customers for the purposes of that business on Sunday, on condition that he complies with the following provisions, that is to say—
- (a) he must be licensed for the sale of Kosher meat by the local Board of Shechita, or in the absence of any such Board by a committee appointed for the purpose by the local Jewish congregation established in accordance with Jewish law;
 - (b) he shall not carry on the business either of a retail dealer in Kosher meat or of a retail dealer in butchers' meat on Saturday and, if he carries on the business in a shop, he shall not keep open the shop for the purpose of the business on Saturday;
 - (c) he shall previously give notice to the local authority of his" intention to carry on the business of a retail dealer in Kosher meat on Sunday; and
 - (d) if he carries on the business in any shop, he shall cause to be kept conspicuously posted in the shop a notice stating that it is open on Sunday for the purposes of retail dealing in Kosher meat, but is not open on Saturday.
- (2) As respects any shop in which any such person carries on the said business on Sunday in compliance with the provisions of this section, this Act shall have effect as if—

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- (a) in subsection (1) of section one and subsection (1) of section seventeen, the references to weekdays were construed as references to weekdays other than Saturdays;
- (b) throughout subsection (2) of section one " Friday " were substituted for " Saturday ".

63 Delivery of meat

It shall not be lawful to dispatch any butchers' meat from a shop or to deliver any butchers' meat so dispatched at any time when under the two last foregoing sections the shop may not be open for the serving of customers:

Provided that this section shall not apply—

- (a) on any Sunday being also Christmas Day ; or
- (b) on any Sunday when the succeeding Monday is Christmas Day.

64 Offences relating to dealing in butchers' meat on Sundays

Any person who contravenes any of the provisions of the three last foregoing sections shall be liable to a penalty not exceeding—

- (a) in the case of a first offence, five pounds; and
- (b) in the case of a second or subsequent offence, twenty pounds.

65 Saving for ships and aircraft

Nothing in this Part of this Act shall prevent the sale, dispatch, or delivery of butchers' meat required by any person for a ship or aircraft on her arrival at, or immediately before her departure from, a port or aerodrome.

Foregoing provisions of Part IV not to extend to Scotland

66 Foregoing provisions of Part IV not to extend to Scotland

The foregoing provisions of this Part of this Act shall not extend to Scotland.

Barbers and hairdressers in Scotland

67 Business of hairdresser or barber not to be carried on on Sunday

- (1) Subject to the provisions of this section, it shall not be lawful for any person in Scotland to carry on the business of a hairdresser or barber on Sunday.
- (2) Notwithstanding anything in this or any other Act, any person carrying on the business of a hairdresser or barber in Scotland may at any time for the purposes of that business attend any person—
 - (a) in any place if that person is unable, by reason of bodily or mental infirmity, to go to the place where such business as aforesaid is carried on; or
 - (b) in any hotel if that person is resident therein; or
 - (c) in any sea-going ship:

Provided that nothing in this subsection shall authorise the employment of any shop assistant in or about the business of a shop at any time when it would, under this Act, be unlawful for him to be so employed.

- (3) Notwithstanding anything in this or any other Act, any person of the Jewish religion may carry on the business of a hairdresser or barber in Scotland on Sunday on condition that he complies with the following provisions, that is to say—
- (a) he shall not carry on the business on Saturday; and
 - (b) he shall previously give notice to the local authority of his intention to carry on the business on Sunday; and
 - (c) if he carries on the business in any shop, he shall cause to be kept conspicuously posted in the shop a notice stating that it is open on Sunday for the purposes of the business, but is not open on Saturday for those purposes.
- (4) As respects any shop in which any such person carries on the said business on Sunday in compliance with the provisions of the last foregoing subsection, this Act shall have effect as if—
- (a) in subsection (1) of section one and subsection (1) of section seventeen, the references to weekdays were construed as references to weekdays other than Saturdays;
 - (b) throughout subsection (2) of section one " Friday " were substituted for " Saturday ".
- (5) Any person who contravenes the provisions of this section shall be liable to a penalty not exceeding—
- (a) in the case of a first offence, two pounds; and
 - (b) in the case of a second or subsequent offence, twenty pounds.

PART V

GENERAL

68 Option to apply either this Act or the Young Persons (Employment) Act, 1938, in certain cases

- (1) An employer who employs young persons at, or in connection with the business carried on at, a residential hotel, a place of public entertainment or amusement, or a public swimming bath, bathing place or turkish bath, being young persons to whom apart from this section the provisions of this Act or the provisions of Part I of the Young Persons (Employment) Act, 1938, would apply, may give notice that he elects that the provisions of this Act shall apply to all such young persons as aforesaid for the time being so employed by him as aforesaid, or may give notice that he elects that the provisions of Part I of the Young Persons (Employment) Act, 1938, shall apply to all of them.
- (2) When a notice given under the foregoing subsection has taken effect, then, until another notice withdrawing that notice takes effect, the provisions of this Act or of Part I of the Young Persons (Employment) Act, 1938, as the case may be, shall apply to all the young persons aforesaid, and, in the case of young persons to whom apart from this section those provisions would not have applied, shall apply to them subject

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to the prescribed adaptations and to the exclusion of the provisions of the said Part I of the Act of 1938 or of this Act, as the case may be:

Provided that, where the provisions that are to apply are the provisions of this Act—

- (a) those provisions shall have effect with the substitution in section seventeen of, and Part II of the Third Schedule to, this Act for references to half-past one o'clock of references to one o'clock ; and
 - (b) section twenty-five of this Act shall have effect only in the case of young persons employed at, or in connection with the business carried on at, a residential hotel, and in the case of those persons shall have effect notwithstanding anything in subsection (1) of section thirty-four of this Act.
- (3) A notice to be given under subsection (1) of this section and a notice withdrawing such a notice shall be given to the local authority in such form, in such manner and subject to such conditions as may be prescribed, and any such notice shall have effect as from such date after it is given as may be prescribed.
 - (4) In this section the expression " prescribed " means prescribed by order of the Secretary of State which may be varied or revoked by a subsequent order, and the power of making orders under this subsection shall be exercisable by statutory instrument.
 - (5) For the purposes of this section—
 - (a) the carrying on of a club shall be deemed to be a business notwithstanding that the club is not carried on for the purpose of profit;
 - (b) a young person shall be deemed to be employed by the person for whom he works notwithstanding that he receives no wages for his work.

69 Regulations

- (1) The Secretary of State may make regulations—
 - (a) for prescribing anything which under this Act is to be prescribed by regulations ; and
 - (b) as to the mode of ascertaining the opinion of occupiers of shops; and
 - (c) as to conduct of local inquiries and matters incidental thereto ; and
 - (d) as to the procedure for obtaining the revocation of a closing order; and
 - (e) generally for carrying into effect the following provisions of this Act, that is to say, Part I, in Part II sections seventeen to twenty-one and section thirty-seven, Part III and, so far as it applies in relation to those provisions, Part V.
- (2) The power of making regulations under this section shall be exercisable by statutory instrument.

70 Proof and revocation of orders of local authorities

- (1) Any order made by a local authority under Parts I or III of this Act may be proved by the production of a copy thereof certified to be a true copy by a person purporting to be the clerk of the local authority by whom the order was made.
- (2) Any order made by a local authority under this Act may, unless some other method of revocation is provided by this Act, be revoked by an order made in the like manner and subject to the like approval, if any, as the original order.

71 Enforcement

- (1) It shall be the duty of every local authority to enforce within their district the provisions of this Act and of the orders made under those provisions, and for that purpose to institute and carry on such proceedings in respect of contraventions of the said provisions and such orders as aforesaid as may be necessary to secure observance thereof.
- (2) For the purpose of their duties under the foregoing subsection, it shall be the duty of every local authority to appoint inspectors, and an inspector so appointed shall, for the purposes of his powers and duties, have in relation to shops all the powers conferred in relation to factories on inspectors by section one hundred and twenty-three of the Factories Act, 1937, and that section and section one hundred and twenty-five of the same Act shall apply accordingly.

An inspector may, if so authorised by the local authority, institute and carry on any proceedings under this Act on behalf of the authority.

- (3) The following enactments in the Factories Act, 1937, that is to say—
 - subsection (1) of section one hundred and forty (which provides for the summary prosecution of offences),
 - subsection (2) of section one hundred and forty (which relates to the terms of an information in proceedings under the Act),
 - subsection (7) of section one hundred and forty (which disqualifies certain interested persons from acting as members of a court trying an offence),
 - section one hundred and forty-one (which provides for an appeal from an order made by a court of summary jurisdiction in England or Wales),
 - subsection (2) of section one hundred and forty-two (which in proceedings with respect to a young person imposes on the defendant the onus of proving that the young person is not below a given age),
 - subsection (7) of section one hundred and fifty-six (which confers on certain courts in Scotland power to deal with minor offences under the Act),
 - subsection (9) of section one hundred and fifty-six (which enables a prosecutor in Scotland to give evidence in the proceedings), and
 - subsection (10) of section one hundred and fifty-six (which renders a person convicted in Scotland of an offence against the Act liable in expenses),shall, so far as they are applicable, have effect as if re-enacted in this Act and in terms made applicable thereto.
- (4) All fines imposed in any proceedings instituted by or on behalf of a local authority in pursuance of their powers and duties under this Act shall be paid to the local authority:

Provided that in England and Wales this subsection shall cease to have effect upon the coming into operation of section twenty-seven of the Justices of the Peace Act, 1949.
- (5) Where an offence for which the occupier of a shop is liable under this Act has, in fact, been committed by some manager, agent, servant or other person, the manager, agent, servant or other person shall be liable to the like penalty as if he were the occupier.
- (6) Where the occupier of a shop is charged with an offence under this Act, he shall be entitled upon information duly laid by him to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, he proves to the satisfaction of the court that he has used due diligence to enforce the execution of this

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Act and that the said other person has committed the offence in question without his knowledge, consent or connivance, the said other person shall be summarily convicted of such offence, and the occupier shall be exempt from any fine.

- (7) The expression " shop " in this section—
- (a) so far as it relates to the enforcement of any other provision of this Act, has the same meaning as in that other provision ; and
 - (b) so far as it relates to the enforcement of any provision in Part II or Part IV of this Act which applies to retail trade or business carried on at any place not being a shop, includes a reference to any such place.

72 Further provision for enforcement

- (1) It shall be the duty of the local authority having power under the Children and Young Persons Act, 1933, to enforce the provisions of that Act as to street trading, to enforce as part of their duties under that Act the provisions of Part II of this Act (other than section twenty-two) in their application to street trading, and the last foregoing section shall not apply with respect to the provisions to be enforced under this subsection, except that offences under those provisions shall be punishable on summary conviction.

- (2) It shall be the duty of the sanitary authority for every district, as part of their duties under the Public Health Acts, to enforce the provisions of section thirty-eight of this Act which relate to ventilation and temperature of shops and to sanitary conveniences, and the last foregoing section shall not apply with respect to the said provisions, except that offences under those provisions shall be punishable on summary conviction.

Any inspector appointed by such a sanitary authority as aforesaid shall, for the purposes of his powers and duties, have in relation to shops (within the meaning assigned to that word by the said section thirty-eight) all the powers conferred in relation to factories on inspectors by section one hundred and twenty-three of the Factories Act, 1937, and that section and section one hundred and twenty-five of the same Act shall apply accordingly.

- (3) Notwithstanding that certain provisions of section thirty-eight of this Act are not enforceable by local authorities under the last foregoing section, it shall, nevertheless, be the duty of inspectors appointed under this Act to take note of and if necessary report to the sanitary authority for the district any contravention of the said provisions of section thirty-eight, and for that purpose subsection (2) of the last foregoing section shall apply accordingly.

- (4) In the application of this section to Scotland—
- (a) subsection (1) shall have effect as if for the local authority and the provisions of the Children and Young Persons Act, 1933, therein mentioned there were respectively substituted references to the local authority for the purposes of this Act, and the provisions of this Act, and the last foregoing section shall apply accordingly;
 - (b) subsections (2) and (3) shall have effect as if for references to the Public Health Acts and the sanitary authority there were respectively substituted references to the Public Health (Scotland) Acts, 1897 to 1907, and the local authority for the purposes of this Act.

73 Local authorities

- (1) In this Act the expression " local authority " means—
 - as respects the city of London, the common council;
 - as respects any municipal borough, the council of the borough ;
 - as respects any urban district with a population according to the returns of the last published census for the time being of twenty thousand or upward, the district council;
 - elsewhere, the county council.
- (2) A county council may, with the approval of the Secretary of State, make arrangements with the council of an urban district in the county with a population of less than twenty thousand, or with the council of a rural district, for the exercise by the council of that district as agents for the county council, on such terms and subject to such conditions as may be agreed on, of any powers of the county council under this Act within the district, and the council of the district may, as part of the agreement, undertake to pay the whole or any part of the expenses incurred in connection with the exercise of the powers delegated to them; and the London County Council may, with the like approval, make similar arrangements with the council of any metropolitan borough.
- (3) The expenses of a county council under this Act shall be defrayed as expenses for special county purposes.
- (4) In Scotland, the foregoing provisions of this section shall not apply ; and the expression " local authority " in the application of this Act to Scotland means a county or town council.

74 Interpretation

- (1) In this Act, save where the context otherwise requires—
 - " bank holiday " includes any public holiday or day of public rejoicing or mourning ;
 - " butcher's meat " means beef, mutton, veal, lamb or pork (including livers, heads, feet, hearts, lights, kidneys or sweetbreads), whether fresh, chilled, frozen or salted, and includes Kosher meat;
 - " closing order " has the meaning assigned to it by section eight of this Act;
 - " contravention ", in relation to any provision, includes any failure to comply with that provision ;
 - " enactment " includes any Act, and any rule, regulation, bye-law or order made under any Act;
 - " factory " has the same meaning as in the Factories Act, 1937;
 - " general closing hours " means the hours fixed by or under section two of this Act or the hours substituted therefor by or under any other provision of this Act;
 - " Kosher meat " means butchers' meat killed and prepared by the Jewish ritual method ;
 - " local authority " has the meaning assigned to it by the last foregoing section;
 - " owner ", in relation to any premises, has the same meaning as in the Public Health Act, 1936 ;

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" prescribed " means prescribed by regulations made under section sixty-nine of this Act;

" Public Health Acts " means the Public Health Act, 1936, or the Public Health (London) Act, 1936, as the case may be;

" residential hotel " means premises used for the reception of guests and travellers desirous of dwelling or sleeping therein;

" retail trade or business " includes the business of a barber or hairdresser, the sale of refreshments or intoxicating liquors, the business of lending books or periodicals when carried on for purposes of gain, and retail sales by auction, but does not include the sale of programmes and catalogues and other similar sales at theatres and places of amusement;

" sanitary authority " means, save as respects London, the council of a borough or urban or rural district, and as respects London, the sanitary authority for the purposes of the Public Health (London) Act, 1936;

" shop " includes any premises where any retail trade or business is carried on ;

" shop assistant " means any person wholly or mainly employed in a shop in connection with the serving of customers or the receipt of orders or the despatch of goods;

" theatre " includes any place used for the exhibition of pictures or other optical effects by means of a cinematograph or other suitable apparatus and any music hall or other similar place of entertainment; and " performance " has a corresponding meaning ;

" week " means the period between midnight on Saturday night and midnight on the succeeding Saturday night;

" weekly half-holiday " has the meaning assigned to it by section one of this Act;

" wholesale shop " means premises occupied by a wholesale dealer or merchant where goods are kept for sale wholesale to customers resorting to the premises ;

" the winter months " means the period beginning with the first Sunday in November in any year and ending with the day before the first Sunday in March in the succeeding year;

" working hours " means the time during which the persons employed are at the disposal of the employer, exclusive of any intervals allowed for rest and meals; and " hours worked " has a corresponding meaning ;

" young person " does not include a child whose employment is regulated by section eighteen of the Children and Young Persons Act, 1933, or section twenty-eight of the Children and Young Persons (Scotland) Act, 1937, but save as aforesaid means a person who has not attained the age of eighteen years.

- (2) For the purposes of this Act, a person shall be deemed to be between any two ages therein mentioned if he has attained the first-mentioned age but has not attained the second-mentioned age.
- (3) Any reference in this Act to any enactment shall, except where the context otherwise requires, be construed as a reference to that enactment as amended by any subsequent enactment.

75 General application to Scotland

In the application of this Act to Scotland—

for any reference to a county court there shall be substituted a reference to the sheriff;

for any reference to intoxicating liquor there shall be substituted a reference to exciseable liquor;

for any reference to the Public Health Act, 1936, there shall be substituted a reference to the Public Health (Scotland) Act, 1897.

76 Repeal

- (1) The enactments set out in the Eighth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (2) Nothing in this repeal shall affect any instrument made or other thing whatsoever done under any enactment repealed by this Act or under any enactment repealed by the Shops Act, 1912, and every such instrument or other thing shall continue in force and, so far as it could have been made or done under this Act, shall have effect as if made or done under the corresponding provision of this Act.
- (3) Any document referring to any Act or enactment repealed by this Act shall be construed as referring to this Act or the corresponding enactment in this Act.
- (4) Where under any Act passed before this Act there is power to affect Acts passed or in force before a particular time and that power would, but for the passing of this Act, have included power to change the law which is reproduced in this Act, then that power shall include power to make such provision as will secure the like change in the law as reproduced in this Act notwithstanding that this Act is not an Act passed or in force before that time and notwithstanding that the terms of this Act, apart from this subsection, are not such as to render that power applicable.
- (5) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals.

77 Short title, extent and commencement

- (1) This Act may be cited as the Shops Act, 1950.
- (2) This Act shall not extend to Northern Ireland.
- (3) This Act shall come into operation on the first day of October, nineteen hundred and fifty.