



# Shops Act 1950 (repealed 1.12.1994)

1950 CHAPTER 28 14 Geo 6

## 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, [<sup>F1</sup>level 1 on the standard scale];
  - (b) in the case of a second offence, [<sup>F1</sup>level 1 on the standard scale]; and
  - (c) in the case of a third or subsequent offence, [<sup>F1</sup>level 1 on the standard scale]—

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.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Shops Act 1950 (repealed 1.12.1994), Part II. (See end of Document for details)*

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.

**Textual Amendments**

**F1** Words substituted (E.W.S.) by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), s. 289G](#)

**18** <sup>F2</sup> .....

**Textual Amendments**

**F2** [S. 18](#) repealed by [Employment Act 1989 \(c. 38, SIF 43:1\), ss. 10\(1\)\(a\), 29\(4\), Sch. 3 Pt. I, Sch. 7 Pt. II](#)

**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, [<sup>F3</sup>level 1 on the standard scale];
  - (b) in the case of a second offence, [<sup>F3</sup>level 1 on the standard scale]; and
  - (c) in the case of a third or subsequent offence, [<sup>F3</sup>level 1 on the standard scale].

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.

**Textual Amendments**

**F3** Words substituted (E.W.S.) by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), s. 289G](#)

**20** <sup>F4</sup> .....

**Textual Amendments**

**F4** [S. 20](#) repealed by [Employment Act 1989 \(c. 38, SIF 43:1\), ss. 10\(1\)\(a\), 29\(4\), Sch. 3 Pt. I, Sch. 7 Pt. II](#)

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## **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;
  - (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) ..... F5
- (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, [F6]level 1 on the standard scale]; and
  - (b) in the case of a second offence, [F6]level 1 on the standard scale]; and
  - (c) in the case of a third or subsequent offence, [F6]level 1 on the standard scale].
- (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

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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.

#### Textual Amendments

- F5** S. 21(4) repealed by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 29(4), [Sch. 7 Pt. II](#)
- F6** Words substituted (E.W.S.) by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 46 and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), s. 289G

### *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 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 <sup>M1</sup>Pharmacy and Poisons Act 1933, employed in connection with the sale or supply of medicines or

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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 [<sup>F7</sup>a Family Practitioner Committee]—

- (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 [<sup>F8</sup>section 9 of the Cinemas Act 1985], 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, [<sup>F9</sup>£25];
- (b) in the case of a second or subsequent offence, [<sup>F9</sup>£50].

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.

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#### Textual Amendments

- F7** Words substituted by virtue of [Health Services Act 1980](#) (c. 53, SIF 113:2), ss. 1, 2, **Sch. 1 para. 7** and [S.I. 1985/39, art. 2](#)
- F8** Words substituted by [Cinemas Act 1985](#) (c. 13, SIF 45A), s. 24(1), **Sch. 2 para. 4**
- F9** Words substituted by virtue of [Criminal Law Act 1977](#) (c. 45), **s. 31(5)-(7)(9)**

#### Modifications etc. (not altering text)

- C1** [S. 22\(1\)](#) proviso (iv) explained by [Post Office Act 1969](#) (c. 48), **Sch. 4 para. 51**
- C2** [Criminal Justice Act 1982](#) (c. 48, SIF 39:1), **ss. 35** (in relation to liability on first and subsequent convictions), 38 (increase of fines) and 46 (substitution of references to levels on the standard scale) apply (E.W.)

#### Marginal Citations

- M1** [1933 c. 25.](#)

### 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— <sup>F10</sup> .....

36.

#### Textual Amendments

- F10** [Ss. 24–36](#) repealed by [Employment Act 1989](#) (c. 38, SIF 43:1), ss. 10(1)(a), 29(4), [Sch. 3 Pt. I, Sch. 7 Pt. II](#)

37 <sup>F11</sup> .....

#### Textual Amendments

- F11** [S. 37](#) repealed by virtue of [Offices, Shops and Railway Premises Act 1963](#) (c. 41, SIF 43:3), s. 91(4), **Sch. 2** (with [S.I. 1964/191](#) and 1989/2312)

### [<sup>F12</sup>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;

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- (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 of 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.

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(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.]

#### Textual Amendments

**F12** Ss. 38–39 repealed by [Offices, Shops and Railway Premises Act 1963 \(c. 41\)](#), [Sch. 2](#) which repeal remains prospective in relation to certain premises in a covered market as referred to in art. 2 of [S.I. 1964/191](#)

### 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.

(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.



**Status:**

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**Changes to legislation:**

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