



Shops Act 1950

1950 CHAPTER 28

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:

Status: This is the original version (as it was originally enacted).

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.
- (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.