

**2004 No. 470**

**REGULATORY REFORM**

**The Regulatory Reform (Sunday Trading) Order 2004**

*Made* - - - - - 26th February 2004

*Coming into force* - - - - - 27th February 2004

Whereas

- (a) The Secretary of State for Trade and Industry (“the Secretary of State”) consulted:
  - (i) such organisations as appeared to her to be representative of interests substantially affected by her proposals for this Order,
  - (ii) such organisations as appeared to her to be representative of the statutory bodies to whose functions her proposals relate,
  - (iii) the Law Commission,
  - (iv) the National Assembly for Wales, and
  - (v) such other persons as she considered appropriate;
- (b) Following that consultation, the Secretary of State considered it appropriate to proceed with the making of this Order;
- (c) A document containing the Secretary of State’s proposals was laid before Parliament as required by section 6 of the Regulatory Reform Act 2001(a) and the period for Parliamentary consideration under section 8 of that Act has expired;
- (d) The Secretary of State has had regard to the representations made during this period, in particular to the Twenty-Eighth Report, Session 2002-2003 of the Delegated Powers and Regulatory Reform Committee of the House of Lords and the First Report, session 2003-2004 of the Regulatory Reform Committee of the House of Commons;
- (e) A draft of this Order was laid before Parliament with a statement giving details of such representations and Reports;
- (f) The draft was approved by Resolution of each House of Parliament;
- (g) The Secretary of State is of the opinion that this Order does not remove any necessary protection or prevent any person from continuing to exercise any right or freedom which he might reasonably expect to continue to exercise;

Now therefore the Secretary of State in exercise of the powers conferred on her by section 1 of the Regulatory Reform Act 2001 hereby makes the following Order—

**Citation, Commencement, and extent**

**1.**—(1) This Order may be cited as the Regulatory Reform (Sunday Trading) Order 2004 and shall come into force on the day following its making.

(2) This Order does not extend to Scotland and article 2 extends only to England and Wales.

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(a) 2001 c. 6.

#### **Amendment of the Sunday Trading Act 1994**

- 2.—(1) The Sunday Trading Act 1994(a) is amended as follows.
- (2) In Schedule 1 (restrictions on Sunday opening of large shops)—
- (a) for the heading immediately preceding paragraph 2 there is substituted:  
“*Restrictions on Sunday opening hours of large shops*”.
  - (b) for paragraph 2(3) there is substituted:  
“(3) Sub-paragraph (1) above does not apply in relation to the opening of a large shop during any continuous period of six hours on a Sunday beginning no earlier than 10 am and ending no later than 6 pm, but this sub-paragraph has effect subject to sub-paragraph (4) below.”;
  - (c) paragraphs 4 and 5 are omitted;
  - (d) in paragraph 6 for the words “the permitted Sunday opening hours specified in the notice under paragraph 4 above” there is substituted “the Sunday opening hours”;
  - (e) for paragraph 8 there is substituted:  
“Where a person is charged with having contravened paragraph 2(1) above, in relation to a large shop which was permitted to be open for the serving of retail customers on the Sunday in question, by reason of his having served a retail customer after the end of the period during which the shop is permitted to be open by virtue of paragraph 2(3) above, it shall be a defence to prove that the customer was in the shop before the end of that period and left not later than half an hour after the end of that period.”
  - (f) paragraph 9 is omitted.
- (3) In Schedule 3 (loading and unloading at large shops on Sunday morning), in paragraph 1(a) for “in respect of which a notice under paragraph 4 of that Schedule has effect” there is substituted “that is permitted to be open on a Sunday by virtue of paragraph 2(3) of that Schedule and which the occupier opens on Sunday for the serving of retail customers”.

#### **Amendment of the Revenue Act 1889**

3. Section 26 of the Revenue Act 1889(b) (prohibition of sale of methylated spirits on Sunday) is hereby repealed.

*Gerry Sutcliffe,*  
Parliamentary Under-Secretary of State for  
Employment Relations, Competition and Consumers,  
Department of Trade and Industry

26th February 2004

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(a) 1994 c. 20.  
(b) 1889 c. 42.

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order is made under section 1 of the Regulatory Reform Act 2001 (c. 6). It removes the requirement in the Sunday Trading Act 1994 (c. 20) for large shops in England and Wales to give prior written notification to the local authority for the area in which the shop is situated of the Sunday opening hours or of a change in those hours.

The Order also repeals the restriction contained in section 26 of the Revenue Act 1889 (c. 42) on the sale of methylated spirits between 10 pm on Saturday and 8 am on the following Monday morning. This repeal only has effect in relation to England, Wales and Northern Ireland.

A Regulatory Impact Assessment, estimating the financial impact of the Order on businesses, can be obtained from: Rukiya Pathan, Fair Markets Group, Department of Trade and Industry, 1 Victoria Street, London SW1H 0ET.

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STATUTORY INSTRUMENTS

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