

## SCHEDULES

### SCHEDULE 2 <sup>F1</sup>

#### RIGHTS OF SHOP WORKERS AS RESPECTS SUNDAY WORKING

<b>F1</b> functions transf. by SR 1999/481
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#### *Interpretation*

1.—(1) In this Schedule “shop worker” means an employee who, under his contract of employment, is or may be required to do shop work.

(2) In this Schedule “shop work” means work in or about a shop on a day on which the shop is open for the serving of customers.

(3) Subject to sub-paragraph (4), in this Schedule “shop” includes any premises where any retail trade or business is carried on.

(4) Where premises are used mainly for purposes other than those of retail trade or business and would not (apart from sub-paragraph (3)) be regarded as a shop, only such part of the premises as—

- (a) is used wholly or mainly for the purposes of retail trade or business; or
- (b) is used both for the purposes of retail trade or business and for the purposes of wholesale trade and is used wholly or mainly for those two purposes considered together,

is to be regarded as a shop for the purposes of this Schedule.

(5) In sub-paragraph (4)(b) “wholesale trade” means the sale of goods for use or resale in the course of a business or the hire of goods for use in the course of a business.

(6) In this paragraph “retail trade or business” includes—

- (a) the business of a barber or hairdresser;
- (b) the business of hiring goods otherwise than for use in the course of a trade or business; and
- (c) retail sales by auction,

but does not include catering business or the sale at theatres and places of amusement of programmes, catalogues and similar items.

(7) In sub-paragraph (6) “catering business” means—

- (a) the sale of meals, refreshments or intoxicating liquor for consumption on the premises on which they are sold; or
- (b) the sale of meals or refreshments prepared to order for immediate consumption off the premises.

(8) In this Schedule—

“notice period”, in relation to an opted-out shop worker, has the meaning given by paragraph 7(3);

“opted-out”, in relation to a shop worker, shall be construed in accordance with paragraph 7(1) and (2);

**Changes to legislation:** There are currently no known outstanding effects for the The Shops (Sunday Trading &c.) (Northern Ireland) Order 1997, Paragraph 1. (See end of Document for details)

“opting-in notice”, in relation to a shop worker, has the meaning given by paragraph 2(6);  
“opting-out notice”, in relation to a shop worker, has the meaning given by paragraph 6(2); and  
“protected”, in relation to a shop worker, shall be construed in accordance with paragraph 2(1) to (5).

(9) This Schedule shall be construed as one with the Employment Rights (Northern Ireland) Order 1996, referred to in this Schedule as “the Employment Rights Order”.

(10) Chapter III of Part I of the Employment Rights Order (computation of period of continuous employment) shall have effect for the purposes of this Schedule as it has effect for the purposes of that Order.

*Sub#paras. (11)#(12) rep. by 1999 NI 9*

**Changes to legislation:**

There are currently no known outstanding effects for the The Shops (Sunday Trading &c.) (Northern Ireland) Order 1997, Paragraph 1.