

SCHEDULES

SCHEDULE 1

Section 1(1).

RESTRICTIONS ON SUNDAY OPENING OF LARGE SHOPS

Interpretation

- 1 In this Schedule—
- “intoxicating liquor” has the same meaning as in the Licensing Act 1964,
 - “large shop” means a shop which has a relevant floor area exceeding 280 square metres,
 - “medicinal product” and “registered pharmacy” have the same meaning as in the Medicines Act 1968,
 - “relevant floor area”, in relation to a shop, means the internal floor area of so much of the shop as consists of or is comprised in a building, but excluding any part of the shop which, throughout the week ending with the Sunday in question, is used neither for the serving of customers in connection with the sale of goods nor for the display of goods,
 - “retail customer” means a person who purchases goods retail,
 - “retail sale” means any sale other than a sale for use or resale in the course of a trade or business, and references to retail purchase shall be construed accordingly,
 - “sale of goods” does not include—
 - (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 those premises,
 - “shop” means any premises where there is carried on a trade or business consisting wholly or mainly of the sale of goods, and
 - “stand”, in relation to an exhibition, means any platform, structure, space or other area provided for exhibition purposes.

Large shops not to open on Sunday except in accordance with notice to local authority

- 2 (1) Subject to sub-paragraphs (2) and (3) below, a large shop shall not be open on Sunday for the serving of retail customers.
- (2) Sub-paragraph (1) above does not apply in relation to—
- (a) any of the shops mentioned in paragraph 3(1) below, or
 - (b) any shop in respect of which a notice under paragraph 8(1) of Schedule 2 to this Act (shops occupied by persons observing the Jewish Sabbath) has effect.
- (3) Where a notice under paragraph 4 below has effect in relation to a shop, sub-paragraph (1) above does not apply in relation to the shop during the permitted

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Sunday opening hours specified in the notice, but this sub-paragraph has effect subject to sub-paragraph (4) below.

- (4) The exemption conferred by sub-paragraph (3) above does not apply where the Sunday is Easter Day or Christmas Day.

Exemptions

- 3 (1) The shops referred to in paragraph 2(2)(a) above are—
- (a) any shop which is at a farm and where the trade or business carried on consists wholly or mainly of the sale of produce from that farm,
 - (b) any shop where the trade or business carried on consists wholly or mainly of the sale of intoxicating liquor,
 - (c) any shop where the trade or business carried on consists wholly or mainly of the sale of any one or more of the following—
 - (i) motor supplies and accessories, and
 - (ii) cycle supplies and accessories,
 - (d) any shop which—
 - (i) is a registered pharmacy, and
 - (ii) is not open for the retail sale of any goods other than medicinal products and medical and surgical appliances,
 - (e) any shop at a designated airport which is situated in a part of the airport to which sub-paragraph (3) below applies,
 - (f) any shop in a railway station,
 - (g) any shop at a service area within the meaning of the Highways Act 1980,
 - (h) any petrol filling station,
 - (j) any shop which is not open for the retail sale of any goods other than food, stores or other necessities required by any person for a vessel or aircraft on its arrival at, or immediately before its departure from, a port, harbour or airport, and
 - (k) any stand used for the retail sale of goods during the course of an exhibition.
- (2) In determining whether a shop falls within sub-paragraph (1)(a), (b) or (c) above, regard shall be had to the nature of the trade or business carried on there on weekdays as well as to the nature of the trade or business carried on there on Sunday.
- (3) This sub-paragraph applies to every part of a designated airport, except any part which is not ordinarily used by persons travelling by air to or from the airport.
- (4) In this paragraph “designated airport” means an airport designated for the purposes of this paragraph by an order made by the Secretary of State, as being an airport at which there appears to him to be a substantial amount of international passenger traffic.
- (5) The power to make an order under sub-paragraph (4) above shall be exercisable by statutory instrument.
- (6) Any order made under section 1(2) of the Shops (Airports) Act 1962 and in force at the commencement of this Schedule shall, so far as it relates to England and Wales, have effect as if made also under sub-paragraph (4) above, and may be amended or revoked as it has effect for the purposes of this paragraph by an order under sub-paragraph (4) above.

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Notice of proposed Sunday opening

- 4 (1) A person who is, or proposes to become, the occupier of a large shop may give notice to the local authority for the area in which the shop is situated—
- (a) stating that he proposes to open the shop on Sunday for the serving of retail customers, and
 - (b) specifying a continuous period of six hours, beginning no earlier than 10 a.m. and ending no later than 6 p.m., as the permitted Sunday opening hours in relation to the shop.
- (2) The occupier of a shop in respect of which notice has been given under sub-paragraph (1) above may, by a subsequent notice—
- (a) specify permitted Sunday opening hours that could be specified under sub-paragraph (1)(b) above but are different from those specified in the earlier notice, or
 - (b) cancel the earlier notice.
- (3) A notice under this paragraph shall not take effect until the end of the period of 14 days beginning with the day on which it is given, unless the local authority agree that it is to take effect at the end of a shorter period.
- (4) A notice under this paragraph shall cease to have effect when superseded by a subsequent notice or cancelled as mentioned in sub-paragraph (2)(b) above.

Register of shops

- 5 (1) Every local authority shall keep a register of shops in respect of which a notice under paragraph 4 above has effect.
- (2) In relation to every such shop, the register shall contain particulars of—
- (a) the name (if any) and address of the shop, and
 - (b) the permitted Sunday opening hours specified in the notice under paragraph 4 above.
- (3) Any register kept under this paragraph—
- (a) shall be open to inspection by members of the public at all reasonable times, and
 - (b) may be kept by means of a computer.

Duty to display notice

- 6 At any time when—
- (a) a large shop is open on Sunday for the serving of retail customers, and
 - (b) the prohibition in sub-paragraph (1) of paragraph 2 above is excluded only by sub-paragraph (3) of that paragraph,
- a notice specifying the permitted Sunday opening hours specified in the notice under paragraph 4 above shall be displayed in a conspicuous position inside and outside the shop.

Offences

- 7 (1) If paragraph 2(1) above is contravened in relation to a shop, the occupier of the shop shall be liable on summary conviction to a fine not exceeding £50,000.

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- (2) If paragraph 6 above is contravened in relation to a shop, the occupier of the shop shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- 8 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 during the permitted Sunday opening hours specified in a notice under paragraph 4 above, by reason of his having served a retail customer after the end of those hours, it shall be a defence to prove that the customer was in the shop before that time and left not later than half an hour after that time.

Transitional provision

- 9 Any notice given for the purposes of paragraph 4(1) above after the passing of this Act but before the commencement of this Schedule shall, notwithstanding paragraph 4(3) above, take effect on that commencement.