

Status: Point in time view as at 22/07/2012.

Changes to legislation: There are currently no known outstanding effects for the Sunday Trading Act 1994, SCHEDULE 2. (See end of Document for details)

SCHEDULES

SCHEDULE 2

Section 1(1).

SUPPLEMENTARY PROVISIONS

PART I

GENERAL ENFORCEMENT PROVISIONS

Duty to enforce Act

- 1 It shall be the duty of every local authority to enforce within their area the provisions of Schedules 1 and 3 to this Act and Part II of this Schedule.

Inspectors

- 2 For the purposes of their duties under paragraph 1 above it shall be the duty of every local authority to appoint inspectors.

Powers of entry

- 3 An inspector appointed by a local authority under paragraph 2 above shall, on producing if so required some duly authenticated document showing his authority, have a right at all reasonable hours—
- (a) to enter any premises within the area of the local authority, with or without a constable, for the purpose of ascertaining whether there is or has been on the premises any contravention of the provisions of Schedules 1 and 3 to this Act,
 - (b) to require the production of, inspect and take copies of any records (in whatever form they are held) relating to any business carried on on the premises which appear to him to be relevant for the purpose mentioned in paragraph (a) above,
 - (c) where those records are kept by means of a computer, to require the records to be produced in a form in which they may be taken away, and
 - (d) to take such measurements and photographs as he considers necessary for the purpose mentioned in paragraph (a) above.

Modifications etc. (not altering text)

- C1** Sch. 2 paras. 3, 4 applied (9.12.2004) by [Christmas Day \(Trading\) Act 2004 \(c. 26\)](#), **ss. 3(3)**, 6(3); [S.I. 2004/3235](#), **art. 2**

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Obstruction of inspectors

- 4 Any person who intentionally obstructs an inspector appointed under paragraph 2 above acting in the execution of his duty shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Modifications etc. (not altering text)

- C1** Sch. 2 paras. 3, 4 applied (9.12.2004) by [Christmas Day \(Trading\) Act 2004 \(c. 26\)](#), **ss. 3(3)**, 6(3); [S.I. 2004/3235](#), art. 2

Offences due to fault of other person

- 5 Where the commission by any person of an offence under this Act is due to the act or default of some other person, that other person shall be guilty of the offence, and a person may be charged with and convicted of the offence by virtue of this paragraph whether or not proceedings are taken against the first-mentioned person.

Modifications etc. (not altering text)

- C2** Sch. 2 paras. 5, 6, 7 applied (9.12.2004) by [Christmas Day \(Trading\) Act 2004 \(c. 26\)](#), **ss. 3(4)**, 6(3); [S.I. 2004/3235](#), art. 2; [S.I. 2004/3235](#), art. 2; [S.I. 2004/3235](#), art. 2

Offences by bodies corporate

- 6 (1) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, sub-paragraph (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Modifications etc. (not altering text)

- C2** Sch. 2 paras. 5, 6, 7 applied (9.12.2004) by [Christmas Day \(Trading\) Act 2004 \(c. 26\)](#), **ss. 3(4)**, 6(3); [S.I. 2004/3235](#), art. 2; [S.I. 2004/3235](#), art. 2; [S.I. 2004/3235](#), art. 2

Defence of due diligence

- 7 (1) In any proceedings for an offence under this Act it shall, subject to sub-paragraph (2) below, be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence by himself or by a person under his control.
- (2) If in any case the defence provided by sub-paragraph (1) above involves the allegation that the commission of the offence was due to the act or default of another person, the person charged shall not, without leave of the court, be entitled to rely

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on that defence unless, at least seven clear days before the hearing, he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that other person as was then in his possession.

Modifications etc. (not altering text)

C2 Sch. 2 paras. 5, 6, 7 applied (9.12.2004) by [Christmas Day \(Trading\) Act 2004 \(c. 26\)](#), ss. 3(4), 6(3); S.I. 2004/3235, art. 2; S.I. 2004/3235, art. 2; S.I. 2004/3235, art. 2

PART II

SHOPS OCCUPIED BY PERSONS OBSERVING THE JEWISH SABBATH

Shops occupied by persons of the Jewish religion

- 8 (1) A person of the Jewish religion who is the occupier of a large shop may give to the local authority for the area in which the shop is situated a notice signed by him stating—
- (a) that he is a person of the Jewish religion, and
 - (b) that he intends to keep the shop closed for the serving of customers on the Jewish Sabbath.
- (2) For the purposes of this paragraph, a shop occupied by a partnership or company shall be taken to be occupied by a person of the Jewish religion if, and only if, the majority of the partners or of the directors, as the case may be, are persons of that religion.
- (3) A notice under sub-paragraph (1) above shall be accompanied by a certificate signed by an authorised person that the person giving the notice is a person of the Jewish religion.
- (4) Where the occupier of the shop is a partnership or company—
- (a) any notice under sub-paragraph (1) above shall be given by the majority of the partners or directors and, if not given by all of them, shall specify the names of the other partners or directors, and
 - (b) a certificate under sub-paragraph (3) above is required in relation to each of the persons by whom such a notice is given.
- (5) Every local authority shall keep a register containing particulars of the name (if any) and address of every shop in respect of which a notice under sub-paragraph (1) above has effect.
- (6) 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.
- (7) If there is any change—
- (a) in the occupation of a shop in respect of which a notice under sub-paragraph (1) above has effect, or
 - (b) in any partnership or among the directors of any company by which such a shop is occupied,

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the notice shall be taken to be cancelled at the end of the period of 14 days beginning with the day on which the change occurred, unless during that period, or within such further time as may be allowed by the local authority, a fresh notice is given under sub-paragraph (1) above in respect of the shop.

- (8) Where a fresh notice is given under sub-paragraph (1) above by reason of a change of the kind mentioned in sub-paragraph (7) above, the local authority may dispense with the certificate required by sub-paragraph (3) above in the case of any person in respect of whom such a certificate has been provided in connection with a former notice in respect of that shop or any other shop in the area of the local authority.
- (9) A notice given under sub-paragraph (1) above in respect of any shop shall be cancelled on application in that behalf being made to the local authority by the occupier of the shop.
- (10) A person who, in a notice or certificate given for the purposes of this paragraph, makes a statement which is false in a material respect and which he knows to be false or does not believe to be true shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (11) Where a person is convicted of an offence under sub-paragraph (10) above, the local authority may cancel any notice under sub-paragraph (1) above to which the offence relates.
- (12) In this paragraph—
- “authorised person”, in relation to a notice under sub-paragraph (1) above, means—
- (a) the Minister of the synagogue of which the person giving the notice is a member,
 - (b) the secretary of that synagogue, or
 - (c) any other person nominated for the purposes of this paragraph by the President of the London Committee of Deputies of the British Jews (otherwise known as the Board of Deputies of British Jews),
- “large shop” and “shop” have the same meaning as in Schedule 1 to this Act, and
- “secretary of a synagogue” has the same meaning as in Part IV of the ^{M1}Marriage Act 1949.

Marginal Citations

M1 1949 c. 76.

Members of other religious bodies observing the Jewish Sabbath

- 9 Paragraph 8 above shall apply to persons who are members of any religious body regularly observing the Jewish Sabbath as it applies to persons of the Jewish religion, and accordingly—
- (a) references to persons of the Jewish religion shall be construed as including any person who is a member of such a body, and
 - (b) in the application of that paragraph to such persons “authorised person” means a Minister of the religious body concerned.

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Transitional provisions

- 10 (1) Any shop which is registered under section 53 of the ^{M2}Shops Act 1950 at the commencement of this Schedule and is at that time a large shop within the meaning of Schedule 1 to this Act shall be taken to be a shop in respect of which a notice has been given under sub-paragraph (1) of paragraph 8 above by the person who was then registered as the occupier of the shop; and the provisions of that paragraph in relation to the cancellation of such a notice shall have effect accordingly.
- (2) In paragraph 8(8) above, the reference to a certificate provided in connection with a former notice includes a reference to a statutory declaration provided under subsection (2) of section 53 of the Shops Act 1950 in connection with the registration of a shop under that section before the commencement of this Schedule.

Marginal Citations

M2 1950 c. 28.

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