



Shops Act 1950 (repealed 1.12.1994)

1950 CHAPTER 28 14 Geo 6

PART I

HOURS OF CLOSING

Modifications etc. (not altering text)

- C1 Pt. I excluded by *Shops (Airports) Act 1962 (c. 35), s. 1(1)(2)*
- C2 Pt. I (ss. 1-16) excluded (E.W.) (26.8.1994) by *1994 c. 20, s. 5(1)*; S.I. 1994/1841, **art. 2**
- C3 Pt. I (ss. 1-16) excluded (14.10.1994) by *S.I. 1994/2478, art. 3*

Early closing days

1 Closing of shops on weekly half-holiday.

(1) Every shop shall be closed for the serving of customers not later than one o'clock in the afternoon on one week day in every week.

(2)^{F1}

(4) Where the local authority have reason to believe that a majority of the occupiers of shops of any particular class in any area are in favour of being exempted from the provisions of this section,^{F2} the local authority, unless they consider that the area in question is unreasonably small, shall take steps to ascertain the wishes of such occupiers.

If the local authority are satisfied that a majority of the occupiers of such shops are in favour of the exemption, or, in the case of a vote being taken, that at least one half of the votes recorded by the occupiers of shops within the area of the class in question are in favour of the exemption, the local authority shall make an order exempting the shops of that class within the area from the provisions of this section^{F2}

(5) Where a shop is closed during the whole day on the occasion of a bank holiday, and that day is not the day fixed for the [^{F3}early closing day], it shall be lawful for the

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occupier of the shop to keep the shop open for the serving of customers after the hour at which it is required under this section to be closed either on the [^{F3}early closing day] immediately preceding, or on the [^{F3}early closing day] immediately succeeding, the bank holiday.

- (6) This section shall not apply to any shop in which the only trade or business carried on is trade or business of any of the classes mentioned in the First Schedule to this Act,^{F4}
- (7) Nothing in this section shall prevent the serving of a customer at any time at which the shop is required to be closed under this section if it is proved either that the customer was in the shop before the time when the shop was required to be closed, or that there was reasonable ground for believing that the article supplied to the customer was required in the case of illness.
- (8) Nothing in this section shall prevent customers from being served at a time when the shop in which they are served is required to be closed with victuals, stores, or other necessaries for a ship, on her arrival at, or immediately before her departure from, a port.

Textual Amendments

F1 S. 1(2)(3) repealed by Shops (Early Closing Days) Act 1965 (c. 35), s. 1(1)

F2 Words repealed by Shops (Early Closing Days) Act 1965 (c. 35), s. 2(1)

F3 Words substituted by virtue of Shops (Early Closing Days) Act 1965 (c. 35), s. 3

F4 Words repealed by Shops (Early Closing Days) Act 1965 (c. 35), s. 2(2)

Modifications etc. (not altering text)

C4 S. 1 extended by Shops (Early Closing Days) Act 1965 (c. 35), ss. 1(2)-(4), 4(2)

General closing hours

2 General closing hours.

- (1) Every shop shall be closed for the serving of customers—
 - (a)^{F5}
 - (b)^{F6} not later than nine o'clock in the evening on the late day and eight o'clock in the evening on any other day of the week:

.^{F7}
- (2)^{F8}
- (3) Nothing in this section shall prevent—
 - (a) the serving of a customer where it is proved that the customer was in the shop before the closing hour, or that reasonable grounds existed for believing that the article supplied after the closing hour to a customer was required in the case of illness; or
 - (b) any transaction mentioned in the Second Schedule to this Act.
- (4)^{F8}

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Shops Act 1950 (repealed 1.12.1994), Part I. (See end of Document for details)

Textual Amendments

- F5 S. 2(1)(a) repealed by Statute Law (Repeals) Act 1974 (c. 22), **Sch. Pt. X**
- F6 Words repealed by Statute Law (Repeals) Act 1974 (c. 22), **Sch. Pt. X**
- F7 S. 2(1) proviso repealed by Statute Law (Repeals) Act 1974 (c. 22), **Sch. Pt. X**
- F8 Ss. 2(2), 2(4), 5, 7, 8(6) repealed by Statute Law (Repeals) Act 1974 (c. 22), **Sch. Pt. X**

3 The late day.

The late day referred to in the last foregoing section shall be Saturday unless the local authority by order fix some other day as the late day, and any such order may fix the same day for all shops or may fix—

- (a) different days for different classes of shops;
- (b) different days for different parts of their area; or
- (c) different days for different periods of the year:

.....^{F9}

Textual Amendments

- F9 S. 3 proviso repealed by Shops (Early Closing Days) Act 1965 (c. 35), **s. 4(1)(a)**

4 Special provision for tobacco and smokers' requisites.

As respects the trade or business of selling tobacco and smokers' requisites—

- (a)^{F10}
- (b) a local authority may, in their area, or in any part thereof, by order substitute for the hours fixed by paragraph (b) of the said subsection (1) later hours, not being later than ten o'clock in the evening on the late day or half past nine o'clock in the evening on any other day, if they are satisfied that such an order is desired by the occupiers of at least two-thirds in number of the shops to be affected by the order.

Textual Amendments

- F10 S. 4(a) repealed by Statute Law (Repeals) Act 1974 (c. 22), **Sch. Pt. X**

Modifications etc. (not altering text)

- C5 The "said subsection (1)" means s. 2(1) of this Act

5^{F11}

Textual Amendments

- F11 Ss. 2(2), 2(4), 5, 7, 8(6) repealed by Statute Law (Repeals) Act 1974 (c. 22), **Sch. Pt. X**

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6 Special provision for confectionery.

As respects the trade or business of selling table waters, sweets, chocolates or other sugar confectionery or ice cream, the following hours shall be substituted for those set out in subsection (1) of section two of this Act, that is to say—

- (a)^{F12}
- (b)^{F13} ten o’clock in the evening on the late day and half past nine o’clock in the evening on any other day:

Provided that a local authority may in their area or any part thereof by order substitute for either of the hours mentioned in paragraph (b) of this subsection an earlier hour, not being earlier than eight o’clock in the evening, if they are satisfied that such an order is desired by the occupiers of a majority of the shops to be affected by the order.

Textual Amendments

F12 S. 6(a) repealed by Statute Law (Repeals) Act 1974 (c. 22), Sch. Pt. X

F13 Words repealed by Statute Law (Repeals) Act 1974 (c. 22), Sch. Pt. X

7^{F14}

Textual Amendments

F14 Ss. 2(2), 2(4), 5, 7, 8(6) repealed by Statute Law (Repeals) Act 1974 (c. 22), Sch. Pt. X

Closing orders

8 Closing orders.

- (1) An order (in this Act referred to as “a closing order”) made by a local authority, . . .^{F15}, may fix the hours on the several days of the week at which, either throughout the area of the local authority or in any specified part thereof, all shops or shops of any specified class are to be closed for serving customers.
- (2) The hour fixed by a closing order shall not be earlier than seven o’clock in the evening on any day of the week.
- (3) The order may—
 - (a) define the shops and trades to which the order applies; and
 - (b) authorise sales after the closing hour fixed by the order in cases of emergency and in such other circumstances as may be specified or indicated in the order; and
 - (c) contain any incidental, supplemental, or consequential provisions which may appear necessary or proper.
- (4) Nothing in the foregoing provisions of this Act relating to general closing hours shall affect the power of a local authority by a closing order under this section to fix closing hours earlier than the general closing hours fixed by or under this Act:

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Provided that any closing order shall be of no effect in so far as it authorises sales after the general closing hours fixed by or under this Act or contains provisions inconsistent with the provisions of this Act relating to general closing hours.

- (5) Nothing in any closing order shall prevent—
- (a) the serving of a customer where it is proved that the customer was in the shop before the closing hour fixed by the order, or that reasonable grounds existed for believing that the article supplied after that hour was required in the case of illness; or
 - (b) any transaction mentioned in the Second Schedule to this Act.
- (6) ^{F16}

Textual Amendments

- F15** Words repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\)](#), s. 1(4), **Sch. 34 Pt. IV**
- F16** [Ss. 2\(2\), 2\(4\), 5, 7, 8\(6\)](#) repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), **Sch. Pt. X**

9 Procedure for making closing orders.

- (1) Whenever a local authority are satisfied that a primâ facie case is made out for making a closing order, the authority shall give public notice in the prescribed manner and in the prescribed form of their intention to make an order, specifying therein a period (not being less than the prescribed period) within which objections may be made to the making of the proposed order, and, if after taking into consideration any objections they may have received the local authority are satisfied that it is expedient to make the order and that the occupiers of at least two-thirds in number of the shops to be affected by the order approve the order, they may make the order.
- (2) Notice of the provisions of the order shall be given, and copies thereof shall be supplied, in the prescribed manner, . . . ^{F17}
- (3) ^{F18}

Textual Amendments

- F17** Words repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\)](#), s. 1(4), **Sch. 34 Pt. IV**
- F18** [S. 9\(3\)](#) repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\)](#), s. 1(4), **Sch. 34 Pt. IV**

10 ^{F19}

Textual Amendments

- F19** [S. 10](#) repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\)](#), s. 1(4), **Sch. 34 Pt. IV**

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[^{F20}11] **Revocation of closing orders.**

A local authority may at any time revoke a closing order either absolutely or, if it is made to appear to the satisfaction of the authority that the occupiers of a majority of any class of shop to which the order applies are opposed to the continuance of the order, so far as it affects that class of shop, but any such revocation shall be without prejudice to the making of any new closing order.]

Textual Amendments

F20 S. 11 substituted by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\), s. 1\(4\), Sch. 4 para. 1\(4\)](#)

Trading outside shops and shops with several trades

12 **Trading elsewhere than in shops.**

It shall not be lawful in any locality to carry on in any place not being a shop retail trade or business of any class at any time when it would be unlawful in that locality to keep a shop open for the purposes of retail trade or business of that class, and, if any person carries on any trade or business in contravention of this section, this Part of this Act and the provisions in Part V for the enforcement of this Act shall apply as if he were the occupier of a shop and the shop were being kept open in contravention of this Part of this Act:

Provided that—

- (a) the prohibition imposed by this section shall,^{F21}, be subject, in so far as the prohibition is affected by any closing order, to such exemptions and conditions, if any, as may be contained in the order; and
- (b) nothing in this section shall be construed as preventing a barber or hairdresser from attending a customer in the customer's residence, or the holding of an auction sale of private effects in a private dwelling-house; and
- (c) nothing in this section shall apply to the sale of newspapers.

Textual Amendments

F21 Words repealed by [Shops \(Early Closing Days\) Act 1963 \(c. 35\), s. 4\(1\)\(b\)](#)

Modifications etc. (not altering text)

C6 S. 12 amended by [Shops \(Early Closing Days\) Act 1965 \(c. 35\), s. 4\(2\)](#)

13 **Shops where more than one trade or business is carried on.**

- (1) Where several trades or businesses are carried on in the same shop, and any of those trades or businesses is of such a nature that, if it were the only trade or business carried on in the shop, the shop would be exempt from the obligation to be closed on the [^{F22}early closing day], the exemption shall apply to the shop so far as the carrying on of that trade or business is concerned, subject, however, to such conditions as may be prescribed.

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- (2) Where several trades or businesses are carried on in the same shop and any of those trades or businesses consists only of transactions of such a nature that, if they were the only transactions carried on in the shop, the provisions of this Act relating to general closing hours would not apply to the shop, the shop may be kept open after the general closing hours for the purposes of those transactions alone, subject, however, to such conditions as may be prescribed.
- (3) Where several trades or businesses are carried on in the same shop and any of those trades or businesses is of such a nature that if it were the only trade or business carried on in the shop a closing order would not apply to the shop, the shop may be kept open for the purposes of that trade and business alone after the closing hour fixed by the closing order, but on such terms and under such conditions as may be specified in the order.
- (4) Where several trades or businesses are carried on in the same shop, the local authority may require the occupier of the shop to specify which trade or business he considers to be his principal trade or business, and no trade or business other than that so specified shall, for the purpose of determining a majority or any proportion or number of occupiers or of shops for the purposes of this Part of this Act, be considered as carried on in the shop unless the occupier of the shop satisfies the local authority that it forms a substantial part of the business carried on in the shop.

Textual Amendments

F22 Words substituted by virtue of [Shops \(Early Closing Days\) Act 1965 \(c. 35\), s. 3](#)

Supplemental

14 Offences under Part I.

- (1) In the case of any contravention of any of the provisions of section one of this Act, the occupier of the shop shall be liable to a fine not exceeding—
 - (a) in the case of a first offence, [^{F23}level 1 on the standard scale];
 - (b) in the case of a second offence, [^{F23}level 1 on the standard scale]; and
 - (c) in the case of a third or subsequent offence, [^{F23}level 1 on the standard scale].
- (2) In the case of any contravention of any provisions of this Part of this Act not punishable under the foregoing subsection, or of any contravention of a closing order, or of any breach of a condition imposed by any order made under subsection (2) of section two of this Act, the occupier of the shop shall be liable to a fine not exceeding—
 - (a) in the case of a first offence, [^{F24F25}£25][^{F25}level 2 on the standard scale];
 - (b) in the case of a second or subsequent offence, [^{F24F25}£50][^{F25}level 2 on the standard scale].

In considering for the purposes of this subsection whether an offence is or is not a first offence, any offence under subsection (3) of section forty-one or subsection (3) of section forty-two of this Act shall be treated as if it were an offence under this subsection.

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Textual Amendments

- F23** Words substituted (E.W.S.) by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [s. 289G](#)
- F24** Words substituted by virtue of (E.W.) [Criminal Law Act 1977 \(c. 45\)](#), [s. 31\(5\)-\(7\)\(9\)](#)
- F25** Words substituted (S.) by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289E-289G](#)

Modifications etc. (not altering text)

- C7** [S. 14\(1\)](#) extended by [Shops \(Early Closing Days\) Act 1965 \(c. 35\)](#), [s. 5\(2\)](#)
- C8** [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 35](#) in relation to liability on first and subsequent convictions), 38 (increase of fines) and 46 (substitution of references to levels on the standard scale) apply (E.W.)

15 Expenses of Secretary of State.

Any expenses incurred by the Secretary of State under this Part of this Act, including the remuneration of any person holding a local inquiry under section ten of this Act, shall, to such extent as may be sanctioned by the Treasury, be paid out of moneys provided by Parliament.

16 Local inquiries.

In addition to the local inquiries which the Secretary of State is empowered to hold under section ten of this Act, the Secretary of State may cause a local inquiry to be held for the purposes of any of his powers and duties under this Part of this Act, and, save in Scotland, the costs incurred in relation to any such last-mentioned inquiry, including the salary of any officer engaged in the inquiry, not exceeding [^{F26}£3.15p] a day, shall be paid by the local authority concerned, and the Secretary of State may certify the amount of the costs incurred.

Any sums so certified shall be a debt to the Crown from the local authority.

Textual Amendments

- F26** Words substituted by virtue of [Decimal Currency Act 1969 \(c. 19\)](#), [s. 10\(1\)](#)

Status:

Point in time view as at 01/02/1991.

Changes to legislation:

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