



Shops Act 1950

1950 CHAPTER 28

PART II

CONDITIONS OF EMPLOYMENT

Statutory half-holiday and meal times

17 Statutory half-holiday for shop assistants

- (1) Subject to the provisions of this Part of this Act, on at least one week day in each week a shop assistant shall not be employed about the business of a shop after half-past one o'clock in the afternoon:

Provided that this provision shall not apply to the week preceding a bank holiday if the shop assistant is not employed on the bank holiday, and if on one week day in the following week in addition to the bank holiday the employment of the shop assistant ceases not later than half-past one o'clock in the afternoon.

- (2) The occupier of a shop shall fix, and shall specify in a notice in the prescribed form, which must be affixed in the shop in such manner and at such time as may be prescribed, the day of the week on which his shop assistants are not employed after half-past one o'clock and may fix different days for different shop assistants.
- (3) In the case of any contravention of this section, the occupier of the shop shall be liable to a fine not exceeding—
- (a) in the case of a first offence, one pound ;
 - (b) in the case of a second offence, five pounds ; and
 - (c) in the case of a third or subsequent offence, ten pounds—

unless, in the case of a shop assistant employed after half-past one o'clock in contravention of this section, he proves that the shop assistant was employed merely for the purpose of serving a customer whom he was serving at that time, or, where the time for closing the shop was also half-past one o'clock, that the shop assistant was employed merely for the purpose of serving customers who were in the shop at that time.

Status: This is the original version (as it was originally enacted).

In considering for the purposes of this subsection whether an offence is a first, second or subsequent offence, any offence under subsection (2) of section nineteen of this Act shall be treated as if it were an offence under this subsection.

18 Modifications in application of s. 17 to young persons

- (1) For the purposes of the last foregoing section every young person who is wholly or mainly employed about the business of a shop shall be deemed to be a "shop assistant":

Provided that this subsection shall not apply to any person employed in a residential hotel.

- (2) The last foregoing section shall not apply to any young person in any week unless he is employed as a shop assistant for more than twenty-five hours in that week and shall not apply to the employment of any young person in a theatre in any week (notwithstanding that he may be employed as a shop assistant for more than twenty-five hours in that week) if he is not employed in the theatre before midday on any day in that week.
- (3) If in any proceedings against any person in respect of a contravention of the last foregoing section in relation to any young person it is shown that the young person was not so employed by him in the week in which the contravention occurred so as to render that section applicable to the young person, it shall be a defence to prove that he did not know, and could not with reasonable diligence have ascertained, that the young person was also employed in that week as a shop assistant by some other employer.
- (4) For the purposes of the last foregoing section, every young person who is wholly or mainly' employed in connection with any retail trade or business carried on in any place not being a shop shall be deemed to be a "shop assistant" and in the application of that section to persons employed in connection with such a retail trade or business—
- (a) subsection (2) shall not apply;
 - (b) references to "employment about the business of a shop" shall be deemed to include references to employment in connection with any retail trade or business carried on in any place not being a shop;
 - (c) references to "a shop" shall be deemed to include references to the place in or from which the retail trade or business is carried on ; and
 - (d) references to "the occupier of a shop " shall be deemed to include references to the person by whom the retail trade or business is carried on.
- (5) Nothing in this section shall apply with respect to the employment of persons whose hours of employment are regulated by or under the Factories Acts, 1937 and 1948.
- For the purposes of this subsection, employment wholly or mainly outside a factory in collecting, carrying or delivering goods, carrying messages or running errands, being employment for the purposes of retail trade or business carried on from the factory, shall be deemed not to be employment in the business of the factory.
- (6) For the purposes of this section, a person who works about the business of a shop for the occupier thereof or in connection with any retail trade or business for the person by whom it is carried on shall be deemed to be employed, notwithstanding that he receives no reward for his labour.
- (7) In the application of the last foregoing section to young persons, and in this section, the expression "shop " includes any wholesale shop and any warehouse occupied for

the purposes of his trade by any person carrying on any retail trade or business or by any wholesale dealer or merchant.

- (8) For the purposes of this section, employment in connection with a wholesale shop or a warehouse occupied by a wholesale dealer or merchant which is neither—
- (a) employment within the premises; nor
 - (b) employment in the collection or delivery of goods or in attendance upon customers or in carrying messages or running errands,

shall not be deemed to be employment about the business of a shop; but, save as aforesaid, any employment in the service of the occupier of the shop upon any work, whether within the shop or outside it, which is ancillary to the business carried on at the shop shall be deemed to be employment about the business of the shop, and that expression shall be construed accordingly.

19 Meal times

- (1) Intervals for meals shall be allowed to each shop assistant in accordance with Part I of the Third Schedule to this Act:

Provided that this section shall not apply to a shop if the only persons employed as shop assistants are members of the family of the occupier of the shop, maintained by him and dwelling in his house.

- (2) In the case of any contravention of the provisions of this section, the occupier of a shop shall be liable to a fine not exceeding—
- (a) in the case of a first offence, one pound ;
 - (b) in the case of a second offence, five pounds; and
 - (c) in the case of a third or subsequent offence, ten pounds.

In considering for the purposes of this subsection whether an offence is a first, second or subsequent offence, any offence under subsection (3) of section seventeen of this Act shall be treated as if it were an offence under this subsection.

20 Modifications in application of s. 19 to young persons

- (1) In the application of the last foregoing section and of the Third Schedule to this Act to young persons, the provisions of Part I of the said Schedule shall have effect subject to Part II of that Schedule.
- (2) For the purposes of the last foregoing section and the said Schedule, every young person who is wholly or mainly employed about the business of a shop shall be deemed to be a "shop assistant".
- (3) For the purposes of the last foregoing section and the said Schedule, every young person who is wholly or mainly employed in connection with any retail trade or business carried on in any place not being a shop shall be deemed to be a "shop assistant", and in the application of that section to persons employed in connection with such a retail trade or business—
- (a) references to " a shop" shall be deemed to include references to the place in or from which the retail trade or business is carried on ; and
 - (b) references to " the occupier of a shop " shall be deemed to include references to the person by whom the retail trade or business is carried on.

Status: This is the original version (as it was originally enacted).

(4) This section shall not apply to any person employed in a residential hotel who is not a shop assistant within the meaning of section seventy-four of this Act or, in the case of a person employed at premises to which the provisions of the next following section apply, is not wholly or mainly employed there in connection with the business of selling intoxicating liquors or refreshments for consumption on the premises.

(5) Nothing in this section shall apply with respect to the employment of persons whose hours of employment are regulated by or under the Factories Acts, 1937 and 1948.

For the purposes of this subsection, employment wholly or mainly outside a factory in collecting, carrying or delivering goods, carrying messages or running errands, being employment for the purposes of retail trade or business carried on from the factory, shall be deemed not to be employment in the business of the factory.

(6) For the purposes of this section, a person who works about the business of a shop for the occupier thereof or in connection with any retail trade or business for the person by whom it is carried on, shall be deemed to be employed, notwithstanding that he receives no reward for his labour.

(7) In the application of the last foregoing section and of the Third Schedule to this Act to young persons, and in this section, the expression " shop " includes any wholesale shop and any warehouse occupied for the purposes of his trade by any person carrying on any retail trade or business or by any wholesale dealer or merchant.

(8) For the purposes of this section, employment in connection with a wholesale shop or a warehouse occupied by a wholesale dealer or merchant which is neither—

- (a) employment within the premises; nor
- (b) employment in the collection or delivery of goods or in attendance upon customers or in carrying messages or running errands,

shall not be deemed to be employment about the business of a shop ; but, save as aforesaid, any employment in the service of the occupier of the shop upon any work, whether within the shop or outside it, which is ancillary to the business carried on at the shop shall be deemed to be employment about the business of the shop, and that expression shall be construed accordingly.

21 Application of foregoing provisions to premises for the sale of refreshments

(1) This section applies to shop assistants employed in any premises for the sale of refreshments, whether licensed for the sale of intoxicating liquor or not, if their employment is wholly or mainly in connection with the sale of intoxicating liquors or refreshments for consumption on the premises.

(2) The foregoing sections of this Part of this Act shall not apply to shop assistants to whom this section applies if the occupier of the premises in which they are employed, by such a notice as is hereinafter mentioned, signifies that he elects that, instead of those provisions, the following provisions shall apply.

(3) The said provisions are—

- (a) that no assistant to whom this section applies shall be employed for more than sixty-five hours in any week exclusive of meal times;
- (b) that provision shall be made for securing to every assistant to whom this section applies—

Status: This is the original version (as it was originally enacted).

- (i) thirty-two whole holidays on a week day in every year of which at least two shall be given within the currency of each month and which shall comprise a holiday on full pay of not less than six consecutive days so, however, that two half holidays on a week day shall be deemed equivalent to one whole holiday on a week day ;
 - (ii) twenty-six whole holidays on Sunday in every year, so distributed that at least one out of every three consecutive Sundays shall be a whole holiday ;
 - (c) that unless the only persons employed as shop assistants are members of the family of the occupier of the premises maintained by him and dwelling in his house—
 - (i) intervals for meals shall be allowed to every assistant to whom this section applies amounting on a half holiday to not less than three-quarters of an hour, and on every other day to not less than two hours, and
 - (ii) no assistant shall be employed for more than six hours without being allowed an interval of at least half an hour;
 - (d) that the occupier shall affix and constantly maintain in a conspicuous position in the premises a notice in the prescribed form referring to the provisions of this section, and stating the steps taken with a view to compliance therewith.
- (4) Paragraph (a) of the last foregoing subsection shall not apply to any young person whose hours of employment are regulated under sections twenty-four to thirty-one of this Act.
- (5) Where the occupier of any premises has signified as aforesaid that he elects that the foregoing provisions of this section shall apply, and any of those provisions are not complied with, the occupier of the premises shall be liable to a fine not exceeding—
 - (a) in the case of a first offence, one pound ; and
 - (b) in the case of a second offence, five pounds ; and
 - (c) in the case of a third or subsequent offence, ten pounds.
- (6) For the purposes of this section, the expression " half holiday " means a day on which the employment of an assistant ceases not later than three o'clock in the afternoon and on which he is not employed for more than six hours including meal-time.
- (7) A notice under this section may be withdrawn by the occupier of the shop at the expiration of a year from the date when it was given, and thereafter at the expiration of any succeeding year, and upon any such withdrawal the foregoing sections of this Part of this Act shall apply to the shop in like manner as before the notice was given.
- (8) The foregoing sections of this Part of this Act and Part III of this Act shall, in their application to any premises in respect to which a notice under this section is in force, have effect as though the expression " shop assistant" included all persons wholly or mainly employed in any capacity at the premises in connection with the business there carried on.