



Shops Act 1950

1950 CHAPTER 28

PART IV

SUNDAY TRADING

General provisions in England and Wales

47 Closing of shops on Sunday

Every shop shall, save as otherwise provided by this Part of this Act, be closed for the serving of customers on Sunday:

Provided that a shop may be open for the serving of customers on Sunday for the purposes of any transaction mentioned in the Fifth Schedule to this Act.

48 Partial exemption orders

(1) The local authority may by order (in this Part of this Act referred to as a "partial exemption order") made in accordance with the provisions of this Part of this Act provide that shops situated in their area or in such part thereof as is specified in the order may for the purposes of such of the transactions mentioned in the Sixth Schedule to this Act as may be so specified be open for the serving of customers on Sunday subject to the limitations hereafter provided.

(2) A partial exemption order shall not authorise a shop to be open for the serving of customers after ten o'clock on Sunday morning:

Provided that an order may authorise the serving of customers after ten o'clock on Sunday morning in shops to which the order applies in cases of emergency and in such other cases as may be specified in the order.

(3) A partial exemption order may contain such incidental, supplemental or consequential provisions as may appear to the local authority necessary or proper.

49 Sale of meals and refreshments off the premises

- (1) As respects shops which, by virtue of the provisions of this Part of this Act, may be open for the serving of customers on Sunday for the purpose of the sale of meals or refreshments for consumption elsewhere than at the shop at which they are sold, the local authority may by order made in accordance with the provisions of this Part of this Act provide that those shops or any class of those shops specified in the order, being shops -situated in their area or in such part thereof as may be so specified, shall cease to be entitled to be open for the serving of customers on Sunday for that purpose:

Provided that no order made under this section shall—

- (a) apply to shops in which the sale of meals or refreshments for consumption at the shop forms a substantial part of the business carried on therein ; or
 - (b) prevent the sale on Sunday of meals and refreshments elsewhere than at a shop except to such extent and subject to such conditions as may be specified in the order.
- (2) An order under this section may provide for the provisions thereof being in force throughout the year or during such periods as may be specified in the order, and may be made subject to such conditions as may be so specified.

50 Shops where several trades or businesses are carried on

Where several trades or businesses are carried on in the same shop and any of those trades or businesses consist only of transactions of such a nature that, if they were the only transactions carried on in the shop, the provisions of this Part of this Act requiring the shop to be closed for the serving of customers for the whole or any part of Sunday would not apply to the shop, the shop may be kept open for the whole or any part of Sunday, as the case may be, for the purposes of those transactions alone, subject, however, to such conditions as may be prescribed.

51 Holiday resorts

Where the area or any part of the area of a local authority is a district which is frequented as a holiday resort during certain seasons of the year, the local authority may by order provide that on such Sundays as may be specified in the order shops or any class of shops, being shops situated in the district or in such part thereof as may be so specified, may, subject to such conditions and during such hours as may be so specified, be open for the serving of customers for the purpose of any of the transactions specified in the Seventh Schedule to this Act or such of them as may be specified in the order:

Provided that the Sundays specified in any such order shall not be more than eighteen in any year.

52 Making and revocation of orders

- (1) The local authority shall, before making any order under the foregoing provisions of this Part of this Act, give public notice in the prescribed manner of their intention to make the order, specifying in the notice 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 have received the local authority are satisfied that it is expedient to make the order and that the occupiers of not less

than two-thirds in number of the shops or classes of shops to be affected by the order approve the -7 order, they may make the order.

- (2) 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 whether the occupiers of not less than two-thirds in number of the shops to be affected by any order approve the order, be considered as carried on in the shop, unless the occupier thereof satisfies the local authority that it forms a substantial part of the business carried on in the shop.

53 Persons observing the Jewish Sabbath

- (1) Subject to the provisions of this section, the occupier of any shop who is a person of the Jewish religion shall be entitled, upon making to the local authority an application in accordance with the provisions of this section, to have the shop registered under this section by the local authority, and so long as the shop is so registered then—
 - (a) the shop shall be closed for all purposes connected with trade or business on Saturday; and
 - (b) the provisions of this Part of this Act requiring the shop to be closed for the serving of customers on Sunday shall not apply until two o'clock in the afternoon ; and
 - (c) there shall be kept conspicuously placed in the shop a notice stating that it will be closed on Saturday and, if the shop will be open for the serving of customers on Sunday after two o'clock in the afternoon for the purposes of any transaction for which it is permitted under this Part of this Act to be so open, specifying the hours during which, and the purposes for which, it will be so open.
- (2) Any application for the registration of a shop under this section shall be in the prescribed form and shall be accompanied—
 - (a) by a statutory declaration made by the occupier of the shop in such form as may be prescribed declaring that he conscientiously objects on religious grounds to carrying on trade or business on the Jewish Sabbath; and
 - (b) by such further statutory or other declarations and certificates, if any, made by such persons, and in such form, as may be prescribed.
- (3) For the purposes of this section, a shop occupied by a partnership or company shall be deemed to be occupied by a person of the Jewish religion if the majority of partners or of the directors, as the case may be, are persons of that religion, but not otherwise, and such a shop shall not be registered under this section unless the statutory declaration required by paragraph (a) of the last foregoing subsection is made by the majority of partners or directors and specifies the names and addresses of all the other partners or directors.
- (4) If for the purpose of procuring the registration of any shop under this section any person knowingly or recklessly makes an untrue statement or untrue representation, he shall be liable, on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds, or to both such imprisonment and fine.
- (5) So long as a shop is registered under this section—
 - (a) no other shop occupied by the same occupier shall be kept open for any purpose connected with trade or business on Saturday;

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- (b) no person by whom the statutory declaration aforesaid has been made in connection with the application for the registration of the shop shall be employed or engaged on the Jewish Sabbath about the business of any shop or shall so employ, or be directly concerned in the control or management of any partnership or company which so employs, any person.

- (6) Where any person is convicted of a contravention of this section, the court may, in addition to any other penalty, order the registration of any shops occupied by him or by any partnership or company in the control or management of which he is directly concerned to be revoked:

Provided that the court shall not order the registration of any shop not occupied, or not occupied solely, by the person convicted to be revoked except after affording an opportunity to the occupier or to the other occupiers, as the case may be, to appear and be heard.

- (7) If upon representations made to them it appears to the local authority that there is reason to believe—
 - (a) that the occupier of any shop registered under this section is not a person of the Jewish religion; or
 - (b) that a conscientious objection on religious grounds to carrying on business on the Jewish Sabbath is not genuinely held by the occupier of the shop, or in the case of a shop occupied by a partnership or company by the majority of the partners or of the directors, as the case may be,

the local authority may furnish particulars of the case to such tribunal as may, after consultation with the London Committee of Deputies of the British Jews, be prescribed, and if that tribunal, after considering the case in accordance with such rules as may be prescribed, report to the local authority that in their opinion the occupier of the shop is not a person of the Jewish religion or that such a conscientious objection is not so held as aforesaid, the local authority shall revoke the registration of the shop, and upon the revocation thereof the registration under this section of all other shops occupied by the same occupier, whether in the area of that local authority or elsewhere, shall be deemed to be also revoked.

- (8) In the event of any change in the occupation of a shop registered under this section, it shall be the duty of the person who becomes the occupier to serve on the local authority notice of the change, and in the event of any change in any partnership or among the directors of any company by which such a shop is occupied, it shall be the duty of the partnership, or of the company, as the case may be, to serve on the local authority a notice giving particulars of the change, and, whether or not such a notice is served, the registration of the shop shall, upon the expiration of a period of fourteen days from the date on which the change occurred, be deemed to be cancelled, unless within that period, or within such further time as may be allowed by the local authority, a fresh application under this section is made in respect of the shop:

Provided that, where such a fresh application is made by reason of a change in any partnership or among the directors of any company by which the shop is occupied, the local authority may dispense with the statutory or other declaration or certificates required by paragraph (a) of subsection (2) and by subsection (3) of this section in the case of any person who has made such a declaration in connection with a former application in respect of that shop or any other shop in the area of the local authority.

- (9) The registration of any shop under this section shall be cancelled upon application in that behalf being made to the local authority by the occupier of the shop, but shall

not be so cancelled during the period of twelve months from the date on which an application for registration of the shop was last made.

- (10) Where an application is made to a local authority in accordance with the provisions of this section for the registration of a shop under this section—
- (a) the local authority shall refuse to register the shop if the registration of that shop has been revoked or has been cancelled under the last foregoing subsection while the shop was in the occupation of the applicant; and
 - (b) the local authority may refuse to register the shop if the registration of that shop or of any other shop occupied or formerly occupied by the applicant, or by any partnership or company of which he was a partner or director, has been revoked or cancelled.
- (11) Where the local authority refuse to register a shop in accordance with the provisions of paragraph (b) of the last foregoing subsection, they shall serve notice of their refusal upon the applicant, and, if the applicant is aggrieved by such refusal, he may, within twenty-one days of the date when the notice was so served upon him, appeal against such refusal to a court of summary jurisdiction for the petty sessional division in which the shop is situated, and the appellant or the local authority, if aggrieved by the order made by the court of summary jurisdiction, may appeal against that order to quarter sessions.
- (12) This section 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 references therein to persons of the Jewish religion shall be construed accordingly as including any person who is a member of such a body, and in the application of this section to such persons this section shall have effect as if for the reference therein to the London Committee of Deputies of the British Jews there were substituted a reference to such body as appears to the Secretary of State to represent such persons.
- (13) As respects any shop which is for the time being registered under this section, this Act shall have effect as if—
- (a) in subsection (1) of section one and subsection (1) of section seventeen, the references to weekdays were construed as references to weekdays other than Saturdays;
 - (b) throughout subsection (2) of section one " Friday " were substituted for " Saturday ".

54 Special provisions for London

- (1) If the Common Council of the City of London or the London County Council are satisfied that any part of their respective areas—
- (a) is a district in which it was, before the first day of January, nineteen hundred and thirty-six, customary to hold street markets on Sunday ; or
 - (b) is a district, being a district within the City of London or the metropolitan boroughs of Bethnal Green, Shoreditch, or Stepney, in which it was customary before the said date for the majority of the shops in the district to be kept open on Sunday and that, having regard to the character and habits of the population in the district, the application of the provisions of this Part of this Act requiring shops to be closed on Sunday would cause undue hardship,
- they may, by order made in accordance with the provisions of this section, authorise such shops or classes of shops as may be specified in the order, being shops situated in the district or in such parts of the district as may be so specified, to be open for the

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serving of customers on Sunday until two o'clock on Sunday afternoon subject to the conditions hereinafter mentioned:

Provided that, before making an order applying to any district referred to in paragraph (b) of this subsection, the council shall take steps to ascertain the wishes of the occupiers of such shops as appear to them to be likely to be affected, and, if they are satisfied that the occupiers of a majority of any class of such shops are opposed to the making of the order, the council shall exclude that class of shops from the operation of the order.

- (2) Any order made under this section authorising shops to be kept open for the serving of customers on Sunday shall fix a week-day upon which such shops must be closed (in this section referred to as " the closing day "), and may fix different days for different classes of shops, and the occupier of a shop who intends to keep open the shop on Sunday in pursuance of the order shall give notice in writing to the Common Council of the City of London or to the London County Council, as the case may be, of his intention so to do, and he shall not keep open the shop on Sunday unless such notice has been given and the shop has been closed on the closing day in the preceding week in like manner and for the like purposes as it would, but for the order, have been required by this Part of this Act to be closed on Sunday:

Provided that—

- (a) the closing day so fixed shall be a day other than the day fixed for the weekly half-holiday by an order made under section one of this Act, and the occupier of a shop shall not be entitled to keep his shop closed for the purposes of the weekly half-holiday required by the provisions of that section on the closing day:
 - (b) where the closing day so fixed is a day other than Saturday, the order shall provide for enabling Saturday to be substituted as the closing day as respects any shop.
- (3) Any order made under this section shall contain such provisions as may be necessary or expedient to secure—
- (a) that where a notice has been given under the last foregoing subsection to the Common Council of the City of London or to the London County Council by the occupier of a shop, the shop shall not be kept open on the closing day during a period of not less than six months from the date when the notice was given ; and
 - (b) that so long as the shop is kept open on Sunday in pursuance of the order, such notices as the Common Council of the City of London or the London County Council, as the case may be, may require, shall be kept exhibited in the shop.
- (4) The Common Council of the City of London or the London County Council shall, before making any order under this section, give public notice of their intention to make the order, defining by reference to a map the district or parts of the district to which the order is to apply and the times and places at which the map may be inspected, and specifying a period (not being less than four weeks) within which objections may be made to the making of the proposed order, and if, after taking into consideration any objections they have received, the Common Council of the City of London or the London County Council are satisfied that it is expedient to make the order, they may make the order, and the provisions of subsections (2) and (3) of section nine and the provisions of section sixteen of this Act shall have effect as if any such order, or any order varying or revoking such an order, were a closing order.

55 Delivery of goods

Goods sold retail to a customer shall not be delivered or dispatched for delivery from a shop at any time when under the provisions of this Part of this Act a customer could not be served with those goods in that shop:

Provided that this section shall not apply—

- (a) on any Sunday being also Christmas Day; or
- (b) on any Sunday when the succeeding Monday is Christmas Day.

56 Savings

- (1) Nothing in this Part of this Act shall prevent—
 - (a) the sale, dispatch or delivery of victuals, stores or other necessaries required by any person for a ship or aircraft on her arrival at, or immediately before her departure from, a port or aerodrome;
 - (b) the sale, dispatch or delivery of goods to a club for the purposes of the club ;
 - (c) the cooking on Sunday, before half-past one o'clock in the afternoon, at any shop of any food brought to that shop by a customer and required by him for consumption on that day, or the dispatch or delivery not later than the hour aforesaid of any such food so cooked.
- (2) Where any person is charged with keeping open a shop for the serving of customers, or with dispatching or delivering goods, in contravention of this Part of this Act, it shall be a good defence to prove that reasonable grounds existed for believing that the goods supplied, dispatched or delivered were required in the case of illness.
- (3) Where any person is charged with keeping open for the serving of customers in contravention of this Part of this Act a shop which is permitted to be open until a certain hour by reason of his having served a customer after that hour, it shall be a good defence to prove that the customer was in the shop before that hour and left the shop not later than half-an-hour after that hour.
- (4) Notwithstanding anything in section forty-seven of this Act, any person carrying on or employed in the business of a hairdresser or barber may, at any time, for the purposes of that business attend any person—
 - (a) in any place, if such attendance is necessary by reason of the bodily or mental infirmity of that person ; or
 - (b) in any hotel or club, if that person is resident therein.
- (5) If the local authority are satisfied that any person engaged in handicraft at his home is dependent for his livelihood upon the sale on Sunday of articles produced by him in the course of his handicraft to such extent that the prohibition of such sale would involve substantial hardship, they may grant to him a certificate exempting him during such period as may be specified in the certificate from any of the foregoing provisions of this Part of this Act in respect of the sale of those articles during such hours and subject to such conditions as may be so specified.
- (6) The foregoing provisions of this Part of this Act shall not apply to any sea-going ship.

57 Notices

The occupier of any shop which by virtue of the foregoing provisions of this Part of this Act is open for the serving of customers on Sundays shall cause to be kept

conspicuously posted in the shop a notice in the prescribed form stating the terms of any order applying to the shop.

58 Extension of foregoing provisions of Part IV to retail trading elsewhere than in shops

The foregoing provisions of this Part of this Act except—

- (a) those provisions of section fifty-two and section fifty-four which relate to the approval by occupiers of shops of orders made under those sections; and
- (b) paragraph (c) of subsection (1) of section fifty-three; and
- (c) the last foregoing section,

shall extend to any place where any retail trade or business is carried on as if that place were a shop, and as if in relation to any such place the person by whom the retail trade or business is carried on were the occupier of a shop:

Provided that the provisions of section forty-seven of this Act shall, as applied by this section, have effect as if there were included in the Fifth Schedule to this Act the sale by fishermen of freshly caught fish (including shellfish) and the sale at a farm, smallholding, allotment or similar place, of produce produced thereon.

59 Offences connected with Sunday trading

- (1) In the case of any contravention of any of the foregoing provisions of this Part of this Act, the occupier of the shop shall be liable to a fine not exceeding—
- (a) in the case of a first offence, five pounds;
 - (b) in the case of a second or subsequent offence, twenty pounds.

In considering for the purposes of this subsection whether an offence is or is not a first offence, any offence under subsection (6) of section twenty-two of this Act shall be treated as if it were an offence under this subsection.

- (2) A person who carries on the business of a shop, or carries on retail trade or business at any place not being a shop, on Sunday in accordance with the foregoing provisions of this Part of this Act, shall not be deemed to commit an offence against any of the following enactments, namely—
- (a) the Sunday Fairs Act, 1448 ; or
 - (b) the Act of the third year of His late Majesty King Charles the First, chapter three, for the further reformation of sundry abuses committed on the Lord's Day commonly called Sunday; or
 - (c) the Sunday Observance Act, 1677.