



Shops Act 1950

1950 CHAPTER 28

PART IV

SUNDAY TRADING

General provisions in England and Wales

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.

Status: This is the original version (as it was originally enacted).

- (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;
 - (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 ".