



Sunday Trading Act 1994

1994 CHAPTER 20

E+W

An Act to reform the law of England and Wales relating to Sunday trading; to make provision as to the rights of shop workers under the law of England and Wales in relation to Sunday working; and for connected purposes. [5th July 1994]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Commencement Information

II Act partly in force at Royal Assent see [s. 9\(3\)](#).

^{F1} **Reform of law relating to Sunday trading.** **E+W**

- (1) Schedules 1 and 2 to this Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint (in this section referred to as “the appointed day”).
- (2) Sections 47 to 66 of, and Schedules 5, 6 and 7 to, the ^{M1}Shops Act 1950 shall cease to have effect on the appointed day.

Textual Amendments

F1 [S. 1](#) power fully exercised (11.7.1994): 26.8.1994 appointed for specified provisions by [S.I. 1994/1841, art. 2](#)

Marginal Citations

M1 [1950 c. 28.](#)

Status: Point in time view as at 24/11/2005.

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

2 Loading and unloading at large shops on Sunday morning. E+W

- (1) A local authority may by resolution designate their area as a loading control area for the purposes of this section with effect from a date specified in the resolution, which must be a date at least one month after the date on which the resolution is passed.
- (2) A local authority may by resolution revoke any designation made by them under subsection (1) above.
- (3) It shall be the duty of a local authority, before making or revoking any designation under subsection (1) above, to consult persons appearing to the local authority to be likely to be affected by the proposed designation or revocation (whether as the occupiers of shops or as local residents) or persons appearing to the local authority to represent such persons.
- (4) Where a local authority make or revoke a designation under this section, they shall publish notice of the designation or revocation in such manner as they consider appropriate.
- (5) Schedule 3 to this Act (which imposes restrictions on loading and unloading on Sunday before 9 a.m. at large shops in loading control areas) shall have effect.

3 Construction of certain leases and agreements. E+W

- (1) Where any lease or agreement (however worded) entered into before the commencement of this section has the effect of requiring the occupier of a shop to keep the shop open for the serving of retail customers—
 - (a) during normal business hours, or
 - (b) during hours to be determined otherwise than by or with the consent of the occupier,
 that lease or agreement shall not be regarded as requiring, or as enabling any person to require, the occupier to open the shop on Sunday for the serving of retail customers.
- (2) Subsection (1) above shall not affect any lease or agreement—
 - (a) to the extent that it relates specifically to Sunday and would (apart from this section) have the effect of requiring Sunday trading of a kind which before the commencement of this section would have been lawful by virtue of any provision of Part IV of the ^{M2}Shops Act 1950, or
 - (b) to the extent that it is varied by agreement after the commencement of this section.
- (3) In this section “retail customer” and “shop” have the same meaning as in Schedule 1 to this Act.

Marginal Citations

M2 1950 c. 28.

4 Rights of shop workers as respects Sunday working. E+W

Schedule 4 to this Act shall have effect.

Status: Point in time view as at 24/11/2005.

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

F25 **E+W**

Textual Amendments

F2 S. 5 repealed (1.12.1994) by 1994 c. 40, s. 81, **Sch. 17**; S.I. 1994/3037, **art. 3(e)(viii)**

6 Consequential repeal or amendment of local Acts. **E+W**

- (1) The Secretary of State may by order made by statutory instrument—
 - (a) repeal any provision of a local Act passed before or in the same Session as this Act if it appears to him that the provision is inconsistent with or has become unnecessary in consequence of any provision of this Act, and
 - (b) amend any provision of such a local Act if it appears to him that the provision requires amendment in consequence of any provision of this Act or any repeal made by virtue of paragraph (a) above.
- (2) It shall be the duty of the Secretary of State, before he makes an order under subsection (1) above repealing or amending any provision of a local Act, to consult each local authority which he considers would be affected by the repeal or amendment of that provision.
- (3) A statutory instrument containing an order under subsection (1) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

7 Expenses. **E+W**

There shall be paid out of money provided by Parliament any increase attributable to this Act in the sums payable out of such money under any other Act.

8 Meaning of “local authority”. **E+W**

- (1) In this Act “local authority” means any unitary authority or any district council so far as they are not a unitary authority.
- (2) In subsection (1) above “unitary authority” means—
 - (a) the council of any county so far as they are the council for an area for which there are no district councils,
 - (b) the council of any district comprised in an area for which there is no county council,
 - (c) a county borough council,
 - (d) a London borough council,
 - (e) the Common Council of the City of London, or
 - (f) the Council of the Isles of Scilly.
- (3) Until 1st April 1996, the definition of “unitary authority” in subsection (2) above shall have effect with the omission of paragraph (c).

9 Short title, repeals, commencement and extent. **E+W**

- (1) This Act may be cited as the Sunday Trading Act 1994.

Status: Point in time view as at 24/11/2005.

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

- (2) The enactments mentioned in Schedule 5 to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (3) The following provisions of this Act—
sections 2 to 5,
subsection (2) of this section, and
Schedules 3, 4 and 5,

shall not come into force until the appointed day (as defined in section 1 above).
- (4) This Act extends to England and Wales only.

Commencement Information

- I2** S. 9 wholly in force at 26.8.1994; s. 9(1)(3)(4) in force at Royal Assent see s. 9(3); s. 9(2) wholly in force at 26.8.1994 by S.I. 1994/1841, art. 2
- I3** S. 9(2) not in force until the appointed day: S. 9(3).

Status: Point in time view as at 24/11/2005.

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

SCHEDULES

SCHEDULE 1 **E+W**

Section 1(1).

RESTRICTIONS ON SUNDAY OPENING OF LARGE SHOPS

Interpretation

1 In this Schedule—

[^{F3} “ alcohol ” has the same meaning as in the Licensing Act 2003,]

“large shop” means a shop which has a relevant floor area exceeding 280 square metres,

“medicinal product” and “registered pharmacy” have the same meaning as in the ^{M3}Medicines Act 1968,

“relevant floor area”, in relation to a shop, means the internal floor area of so much of the shop as consists of or is comprised in a building, but excluding any part of the shop which, throughout the week ending with the Sunday in question, is used neither for the serving of customers in connection with the sale of goods nor for the display of goods,

“retail customer” means a person who purchases goods retail,

“retail sale” means any sale other than a sale for use or resale in the course of a trade or business, and references to retail purchase shall be construed accordingly,

“sale of goods” does not include—

- (a) the sale of meals, refreshments or [^{F4}alcohol] for consumption on the premises on which they are sold, or
- (b) the sale of meals or refreshments prepared to order for immediate consumption off those premises,

“shop” means any premises where there is carried on a trade or business consisting wholly or mainly of the sale of goods, and

“stand”, in relation to an exhibition, means any platform, structure, space or other area provided for exhibition purposes.

Textual Amendments

F3 Definition in Sch. 1 para. 1 substituted (24.11.2005) by [Licensing Act 2003 \(c. 17\), s. 201\(2\), Sch. 6 para. 110\(2\)\(a\)](#) (with ss. 2(3), 15(2), 195); S.I. 2005/3056, art. 2(2)

F4 Word in Sch. 1 para. 1 substituted (24.11.2005) by [Licensing Act 2003 \(c. 17\), s. 201\(2\), Sch. 6 para. 110\(2\)\(b\)](#) (with ss. 2(3), 15(2), 195); S.I. 2005/3056, art. 2(2)

Marginal Citations

M3 1968 c. 67.

Status: Point in time view as at 24/11/2005.

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

[^{F5}Restrictions on Sunday opening hours of large shops]

Textual Amendments

F5 Sch. 1 para. 2 cross-heading substituted (27.2.2004) by [Regulatory Reform \(Sunday Trading\) Order 2004 \(S.I. 2004/470\)](#), arts. 1(1), **2(2)(a)**

- 2 (1) Subject to sub-paragraphs (2) and (3) below, a large shop shall not be open on Sunday for the serving of retail customers.
- (2) Sub-paragraph (1) above does not apply in relation to—
- (a) any of the shops mentioned in paragraph 3(1) below, or
 - (b) any shop in respect of which a notice under paragraph 8(1) of Schedule 2 to this Act (shops occupied by persons observing the Jewish Sabbath) has effect.
- [^{F6}(3) Sub-paragraph (1) above does not apply in relation to the opening of a large shop during any continuous period of six hours on a Sunday beginning no earlier than 10 am and ending no later than 6 pm, but this sub-paragraph has effect subject to sub-paragraph (4) below.]
- (4) The exemption conferred by sub-paragraph (3) above does not apply where the Sunday is Easter Day ^{F7}....
- [^{F8}(5) Nothing in this paragraph applies where the Sunday is Christmas Day (the opening of large shops on Christmas Day being prohibited by section 1 of the Christmas Day (Trading) Act 2004).]

Textual Amendments

- F6** Sch. 1 para. 2(3) substituted (27.2.2004) by [Regulatory Reform \(Sunday Trading\) Order 2004 \(S.I. 2004/470\)](#), arts. 1(1), **2(2)(b)**
- F7** Words in Sch. 1 para. 2(4) omitted (9.12.2004) by virtue of [Christmas Day \(Trading\) Act 2004 \(c. 26\)](#), ss. **4(2)(a)**, 6(3); [S.I. 2004/3235](#), art. 2
- F8** Sch. 1 para. 2(5) inserted (9.12.2004) by [Christmas Day \(Trading\) Act 2004 \(c. 26\)](#), ss. **4(2)(b)**, 6(3); [S.I. 2004/3235](#), art. 2

Modifications etc. (not altering text)

- C1** Sch. 1 para. 2(1) excluded (19.1.1995) by [S.I. 1994/3286](#), art. 3

Exemptions

- 3 (1) The shops referred to in paragraph 2(2)(a) above are—
- (a) any shop which is at a farm and where the trade or business carried on consists wholly or mainly of the sale of produce from that farm,
 - (b) any shop where the trade or business carried on consists wholly or mainly of the sale of [^{F9}alcohol],
 - (c) any shop where the trade or business carried on consists wholly or mainly of the sale of any one or more of the following—
 - (i) motor supplies and accessories, and
 - (ii) cycle supplies and accessories,

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- (d) any shop which—
 - (i) is a registered pharmacy, and
 - (ii) is not open for the retail sale of any goods other than medicinal products and medical and surgical appliances,
 - (e) any shop at a designated airport which is situated in a part of the airport to which sub-paragraph (3) below applies,
 - (f) any shop in a railway station,
 - (g) any shop at a service area within the meaning of the ^{M4}Highways Act 1980,
 - (h) any petrol filling station,
 - (j) any shop which is not open for the retail sale of any goods other than food, stores or other necessaries required by any person for a vessel or aircraft on its arrival at, or immediately before its departure from, a port, harbour or airport, and
 - (k) any stand used for the retail sale of goods during the course of an exhibition.
- (2) In determining whether a shop falls within sub-paragraph (1)(a), (b) or (c) above, regard shall be had to the nature of the trade or business carried on there on weekdays as well as to the nature of the trade or business carried on there on Sunday.
- (3) This sub-paragraph applies to every part of a designated airport, except any part which is not ordinarily used by persons travelling by air to or from the airport.
- (4) In this paragraph “designated airport” means an airport designated for the purposes of this paragraph by an order made by the Secretary of State, as being an airport at which there appears to him to be a substantial amount of international passenger traffic.
- (5) The power to make an order under sub-paragraph (4) above shall be exercisable by statutory instrument.
- (6) Any order made under section 1(2) of the ^{M5}Shops (Airports) Act 1962 and in force at the commencement of this Schedule shall, so far as it relates to England and Wales, have effect as if made also under sub-paragraph (4) above, and may be amended or revoked as it has effect for the purposes of this paragraph by an order under sub-paragraph (4) above.

Textual Amendments

F9 Word in Sch. 1 para. 3(1)(b) substituted (24.11.2005) by [Licensing Act 2003 \(c. 17\), s. 201\(2\), Sch. 6 para. 110\(3\)](#) (with [ss. 2\(3\), 15\(2\), 195](#)); [S.I. 2005/3056, art. 2\(2\)](#)

Modifications etc. (not altering text)

C2 Sch. 1 para. 3(2) modified (9.12.2004) by [Christmas Day \(Trading\) Act 2004 \(c. 26\), ss. 1\(4\), 6\(3\)](#); [S.I. 2004/3235, art. 2](#)

Marginal Citations

M4 1980 c. 66.

M5 1962 c. 35.

Notice of proposed Sunday opening

Status: Point in time view as at 24/11/2005.

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

Textual Amendments

- F10** Sch. 1 para. 4 omitted (27.2.2004) by virtue of [Regulatory Reform \(Sunday Trading\) Order 2004 \(S.I. 2004/470\)](#), arts. 1(1), **2(2)(c)**

Register of shops

F115

Textual Amendments

- F11** Sch. 1 para. 5 omitted (27.2.2004) by virtue of [Regulatory Reform \(Sunday Trading\) Order 2004 \(S.I. 2004/470\)](#), arts. 1(1), **2(2)(c)**

Duty to display notice

- 6 At any time when—
- (a) a large shop is open on Sunday for the serving of retail customers, and
 - (b) the prohibition in sub-paragraph (1) of paragraph 2 above is excluded only by sub-paragraph (3) of that paragraph,
- a notice specifying [^{F12}the Sunday opening hours] shall be displayed in a conspicuous position inside and outside the shop.

Textual Amendments

- F12** Words in Sch. 1 para. 6 substituted (27.2.2004) by [Regulatory Reform \(Sunday Trading\) Order 2004 \(S.I. 2004/470\)](#), arts. 1(1), **2(2)(d)**

Offences

- 7 (1) If paragraph 2(1) above is contravened in relation to a shop, the occupier of the shop shall be liable on summary conviction to a fine not exceeding £50,000.
- (2) If paragraph 6 above is contravened in relation to a shop, the occupier of the shop shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

- [^{F13g} Where a person is charged with having contravened paragraph 2(1) above, in relation to a large shop which was permitted to be open for the serving of retail customers on the Sunday in question, by reason of his having served a retail customer after the end of the period during which the shop is permitted to be open by virtue of paragraph 2(3) above, it shall be a defence to prove that the customer was in the shop before the end of that period and left not later than half an hour after the end of that period.]

Textual Amendments

- F13** Sch. 1 para. 8 substituted (27.2.2004) by [Regulatory Reform \(Sunday Trading\) Order 2004 \(S.I. 2004/470\)](#), arts. 1(1), **2(2)(e)**

Status: Point in time view as at 24/11/2005.

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

Transitional provision

F149

Textual Amendments

F14 Sch. 1 para. 9 omitted (27.2.2004) by virtue of Regulatory Reform (Sunday Trading) Order 2004 (S.I. 2004/470), arts. 1(1), 2(2)(f)

SCHEDULE 2 **E+W**

Section 1(1).

SUPPLEMENTARY PROVISIONS

PART I E+W

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.

Status: Point in time view as at 24/11/2005.

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

Modifications etc. (not altering text)

- C3** 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

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)

- C3** 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)

- C4** 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)

- C4** 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

Status: Point in time view as at 24/11/2005.

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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 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)

- C4** 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 **E+W**

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—

Status: Point in time view as at 24/11/2005.

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

- (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,
- 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 ^{M6}Marriage Act 1949.

Marginal Citations

M6 1949 c. 76.

Status: Point in time view as at 24/11/2005.

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

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.

Transitional provisions

- 10 (1) Any shop which is registered under section 53 of the ^{M7}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

M7 1950 c. 28.

SCHEDULE 3 **E+W**

Section 2.

LOADING AND UNLOADING AT LARGE SHOPS ON SUNDAY MORNING

Shops to which Schedule applies

- 1 This Schedule applies to any shop—
- (a) which is a large shop, within the meaning of Schedule 1 to this Act, [^{F15}that is permitted to be open on a Sunday by virtue of paragraph 2(3) of that Schedule and which the occupier opens on Sunday for the serving of retail customers], and
 - (b) which is situated in an area designated as a loading control area under section 2 of this Act.

Textual Amendments

F15 Words in Sch. 3 para. 1(a) substituted (27.2.2004) by [Regulatory Reform \(Sunday Trading\) Order 2004 \(S.I. 2004/470\)](#), arts. 1(1), **2(3)**

Status: Point in time view as at 24/11/2005.

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

Consent required for early Sunday loading and unloading

- 2 The occupier of a shop to which this Schedule applies shall not load or unload, or permit any other person to load or unload, goods from a vehicle at the shop before 9 a.m. on Sunday in connection with the trade or business carried on in the shop, unless the loading or unloading is carried on—
- (a) with the consent of the local authority for the area in which the shop is situated granted under this Schedule, and
 - (b) in accordance with any conditions subject to which that consent is granted.
- 3 (1) A consent under this Schedule may be granted subject to such conditions as the local authority consider appropriate.
- (2) The local authority may at any time vary the conditions subject to which a consent is granted, and shall give notice of the variation to the person to whom the consent was granted.

Modifications etc. (not altering text)

- C5 Sch. 3 paras. 3-8 applied (with modifications) (9.12.2004) by [Christmas Day \(Trading\) Act 2004 \(c. 26\)](#), [ss. 2\(2\), 6\(3\)](#); [S.I. 2004/3235, art. 2](#)

Application for consent

- 4 An application for a consent under this Schedule shall be made in writing and shall contain such information as the local authority may reasonably require.

Modifications etc. (not altering text)

- C5 Sch. 3 paras. 3-8 applied (with modifications) (9.12.2004) by [Christmas Day \(Trading\) Act 2004 \(c. 26\)](#), [ss. 2\(2\), 6\(3\)](#); [S.I. 2004/3235, art. 2](#)

- 5 An applicant for a consent under this Schedule shall pay such reasonable fee in respect of his application as the local authority may determine.

Modifications etc. (not altering text)

- C5 Sch. 3 paras. 3-8 applied (with modifications) (9.12.2004) by [Christmas Day \(Trading\) Act 2004 \(c. 26\)](#), [ss. 2\(2\), 6\(3\)](#); [S.I. 2004/3235, art. 2](#)

- 6 (1) Where an application is duly made to the local authority for a consent under this Schedule, the authority shall grant the consent unless they are satisfied that the loading or unloading of goods from vehicles before 9 a.m. on Sunday at the shop to which the application relates, in connection with the trade or business carried on at the shop, has caused, or would be likely to cause, undue annoyance to local residents.
- (2) The authority shall determine the application and notify the applicant in writing of their decision within the period of 21 days beginning with the day on which the application is received by the authority.
- (3) In a case where a consent is granted, the notification under sub-paragraph (2) above shall specify the conditions, if any, subject to which the consent is granted.

Status: Point in time view as at 24/11/2005.

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

Modifications etc. (not altering text)

- C5** Sch. 3 paras. 3-8 applied (with modifications) (9.12.2004) by [Christmas Day \(Trading\) Act 2004 \(c. 26\)](#), [ss. 2\(2\)](#), 6(3); [S.I. 2004/3235](#), [art. 2](#)

Revocation of consent

- 7 Where—
- (a) the occupier of a shop in respect of which a consent under this Schedule is in force is convicted of an offence under paragraph 9 below by reason of his failure to comply with the conditions subject to which the consent was granted, or
 - (b) the local authority are satisfied that the loading or unloading authorised by virtue of a consent under this Schedule has caused undue annoyance to local residents,
- the local authority may revoke the consent.

Modifications etc. (not altering text)

- C5** Sch. 3 paras. 3-8 applied (with modifications) (9.12.2004) by [Christmas Day \(Trading\) Act 2004 \(c. 26\)](#), [ss. 2\(2\)](#), 6(3); [S.I. 2004/3235](#), [art. 2](#)

Publication of consent

- 8 Where a local authority grant a consent under this Schedule, the authority may cause a notice giving details of that consent to be published in a local newspaper circulating in their area.

Modifications etc. (not altering text)

- C5** Sch. 3 paras. 3-8 applied (with modifications) (9.12.2004) by [Christmas Day \(Trading\) Act 2004 \(c. 26\)](#), [ss. 2\(2\)](#), 6(3); [S.I. 2004/3235](#), [art. 2](#)

Offence

- 9 A person who contravenes paragraph 2 above shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

^{F16}Christmas Day

Textual Amendments

- F16** Para.10 and cross-heading inserted (9.12.2004) by [Christmas Day \(Trading\) Act 2004 \(c. 26\)](#), [ss. 4\(3\)](#), 6(3); [S.I. 2004/3235](#), [art. 2](#)

- 10 Paragraph 2 does not apply where the Sunday is Christmas Day (loading and unloading at large shops on Christmas Day being regulated by section 2 of the Christmas Day (Trading) Act 2004.)]

Status: Point in time view as at 24/11/2005.

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

SCHEDULE 4 **E+W**

Section 4.

RIGHTS OF SHOP WORKERS AS RESPECTS SUNDAY WORKING

Interpretation

F17₁

Textual Amendments

F17 Sch. 4 paras. 1-20 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, Sch. 3 Pt. I (with ss. 191-195, 202)

Meaning of “protected shop worker”

F18₂

Textual Amendments

F18 Sch. 4 paras. 1-20 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, Sch. 3 Pt. I (with ss. 191-195, 202)

F19₃

Textual Amendments

F19 Sch. 4 paras. 1-20 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, Sch. 3 Pt. I (with ss. 191-195, 202)

Notice of objection to Sunday working

F20₄

Textual Amendments

F20 Sch. 4 paras. 1-20 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, Sch. 3 Pt. I (with ss. 191-195, 202)

Meaning of “opted-out shop worker”

F21₅

Textual Amendments

F21 Sch. 4 paras. 1-20 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, Sch. 3 Pt. I (with ss. 191-195, 202)

Meaning of “notice period”

F22₆

Status: Point in time view as at 24/11/2005.

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

Textual Amendments

F22 Sch. 4 paras. 1-20 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

Right not to be dismissed for refusing Sunday work

F23⁷

Textual Amendments

F23 Sch. 4 paras. 1-20 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

F24⁸

Textual Amendments

F24 Sch. 4 paras. 1-20 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

Exclusion of section 64(1) of Employment Protection (Consolidation) Act 1978

F25⁹

Textual Amendments

F25 Sch. 4 paras. 1-20 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

Right not to suffer detriment for refusing Sunday work

F26¹⁰

Textual Amendments

F26 Sch. 4 paras. 1-20 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

Employer's duty to give explanatory statement

F27¹¹

Textual Amendments

F27 Sch. 4 paras. 1-20 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

Effect of rights on contracts of employment

F28¹²

Status: Point in time view as at 24/11/2005.

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

Textual Amendments

F28 Sch. 4 paras. 1-20 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

^{F29}13

Textual Amendments

F29 Sch. 4 paras. 1-20 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

^{F30}14

Textual Amendments

F30 Sch. 4 paras. 1-20 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

^{F31}15

Textual Amendments

F31 Sch. 4 paras. 1-20 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

Proceedings for contravention of paragraph 10

^{F32}16

Textual Amendments

F32 Sch. 4 paras. 1-20 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

Restrictions on contracting out of Schedule

^{F33}17

Textual Amendments

F33 Sch. 4 paras. 1-20 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

Transitional modifications relating to maternity cases

^{F34}18

Textual Amendments

F34 Sch. 4 paras. 1-20 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

Status: Point in time view as at 24/11/2005.

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

Dismissal on grounds of assertion of statutory right

F35 19

Textual Amendments

F35 Sch. 4 paras. 1-20 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

Dismissal procedures agreements

F36 20

Textual Amendments

F36 Sch. 4 paras. 1-20 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

Conciliation

F37 21

Textual Amendments

F37 Sch. 4 para. 21 repealed (22.8.1996) by 1996 c. 17, ss. 45, 46, **Sch. 3 Pt. I** (with s. 38)

Application of certain other provisions of 1978 Act

F38 22

Textual Amendments

F38 Sch. 4 para. 22 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

Keeping of records relating to Sunday employment

F39 23

Textual Amendments

F39 Sch. 4 para. 23 repealed (1.12.1994) by 1994 c. 40, s. 81, **Sch. 17**; S.I. 1994/3037, **art. 3(e)(viii)**

Employment of children in street trading on Sunday

24 In section 20 of the ^{M8}Children and Young Persons Act 1933, subsection (3) (which provides that byelaws under that section may not authorise a child to engage, or be employed, on a Sunday in street trading of a description to which certain provisions of Part IV of the Shops Act 1950 do not apply) shall cease to have effect.

*Status: Point in time view as at 24/11/2005.**Changes to legislation: There are currently no known outstanding effects for the Sunday Trading Act 1994. (See end of Document for details)*

Marginal Citations

M8 1933 c. 12.

SCHEDULE 5 **E+W**

Section 9(2).

REPEALS

Chapter	Short title	Extent of repeal
1933 c. 12.	The Children and Young Persons Act 1933.	Section 20(3).
1950 c. 28.	The Shops Act 1950.	Sections 47 to 66. In section 71(7)(b), the words “or Part IV”. Schedules 5, 6 and 7.
1962 c. 35.	The Shops (Airports) Act 1962.	In section 1(1) the words from “and of” to “Sunday trading”.
1963 c. 33.	The London Government Act 1963.	Section 51(3).
1963 c. 37.	The Children and Young Persons Act 1963.	Section 35(3).
1965 c. 35.	The Shops (Early Closing Days) Act 1965	In section 4(2), the words from “and, notwithstanding” to the end.
1969 c. 48.	The Post Office Act 1969.	In Schedule 4, in paragraph 51, the words from “and Schedule 5” to “on Sunday”.
1986 c. 31.	The Airports Act 1986.	Section 70. In Schedule 5, paragraph 15.
1989 c. 38.	The Employment Act 1989.	In Schedule 3, in Part III, paragraph 2(c).

Status:

Point in time view as at 24/11/2005.

Changes to legislation:

There are currently no known outstanding effects for the Sunday Trading Act 1994.