

# **CHRISTMAS DAY (TRADING) ACT 2004**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Section 1: Prohibition of opening of large shops on Christmas Day***

8. *Subsection (1)* prohibits large shops from opening on Christmas Day. *Subsection (2)* exempts those shops currently exempt from restrictions on Sunday trading under paragraph 3(1) of Schedule 1 to the 1994 Act. Shops covered by the exemption include farm shops, shops selling intoxicating liquor, motor or cycle supplies, pharmacies, petrol stations, shops located in transport centres and stands at exhibitions.
9. *Subsection (4)* amends paragraph 3(2) of Schedule 1 to the 1994 Act (which covers interpretation of the exemptions contained in paragraph 3(1) of that Schedule) insofar as it applies to this Act and ensures that those exemptions apply to the provisions of this Act.

#### ***Section 2: Loading and unloading early on Christmas Day***

10. *Subsection (1)* prohibits large shops located in an area designated by a local authority as a loading control area from loading and unloading before 9 a.m. on Christmas Day unless, (a) the relevant local authority has granted consent, and (b) any loading or unloading is carried out in accordance with any conditions attached to that consent.
11. *Subsection (2)* applies paragraphs 3 to 8 of Schedule 3 to the 1994 Act to any consent granted under subsection (1). Those paragraphs relate to the grant, application for, revocation and publication of any consent to early loading and unloading by a local authority.
12. *Subsection (3)* provides that a person who breaches the prohibition on loading and unloading shall be liable to a fine not exceeding level three on the standard scale.
13. *Subsection (4)* defines "loading control area" as an area designated as such under section 2 of the 1994 Act.

#### ***Section 3: Enforcement***

14. *Subsections (1)* and *(2)* provide that local authorities shall be under a duty to enforce the prohibition of opening by large stores on Christmas Day and to appoint inspectors for this purpose. These inspectors may be the same as those appointed under the 1994 Act.
15. *Subsection (3)* provides that inspectors will have the same powers as those appointed under the 1994 Act.

#### ***Section 4: Consequential Amendments***

16. *Subsections (1)* to *(3)* contain consequential amendments to the 1994 Act. The prohibition on the opening of large shops and on loading and unloading before 9 a.m. on any Christmas Day which falls on a Sunday will now be imposed by the Act rather than the 1994 Act.

*These notes refer to the Christmas Day (Trading) Act 2004  
(c.26) which received Royal Assent on 28 October 2004*

***Section 6: Short title, interpretation, commencement and extent***

17. The Act is to come into force on a day to be appointed by the Secretary of State by order.