



Shops Act 1950

1950 CHAPTER 28

PART I

HOURS OF CLOSING

Early closing days

1 Closing of shops on weekly half-holiday

- (1) Every shop shall be, closed for the serving of customers not later than one o'clock in the afternoon on one week day in every week.
- (2) The local authority may, by order, fix the day on which a shop is to be so closed (in this Act referred to as " the weekly half-holiday "), and any such order may either fix the same day for all shops, or may fix—
 - (a) different days for different classes of shops ; or
 - (b) different days for different parts of the district; or
 - (c) different days for different periods of the year:

Provided that—

- (i) where the day fixed is a day other than Saturday, the order shall provide for enabling Saturday to be substituted for such other day as respects any shop in which notice to that effect is affixed by the occupier;
 - (ii) where the day fixed is Saturday, the order shall provide for enabling some other day specified in the order to be substituted for Saturday as respects any shop in which notice to that effect is affixed by the occupier;
 - (iii) no order shall be made under this section unless the local authority, after making such inquiry as may be prescribed, are satisfied that the occupiers of a majority of each of the several classes of shops affected by the order approve the order.
- (3) Unless and until an order is made under this section affecting a shop, the weekly half-holiday as respects the shop shall be such day as the occupier may specify in a notice

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affixed in the shop, but it shall not be lawful for the occupier of the shop to change the day oftener than once in any period of three months.

- (4) Where the local authority have reason to believe that a majority of the occupiers of shops of any particular class in any area are in favour of being exempted from the provisions of this section, either wholly or by fixing as the closing hour instead of one o'clock some other hour not later than two o'clock, the local authority, unless they consider that the area in question is unreasonably small, shall take steps to ascertain the wishes of such occupiers.

If the local authority are satisfied that a majority of the occupiers of such shops are in favour of the exemption, or, in the case of a vote being taken, that at least one half of the votes recorded by the occupiers of shops within the area of the class in question are in favour of the exemption, the local authority shall make an order exempting the shops of that class within the area from the provisions of this section either wholly or to such extent as aforesaid.

- (5) Where a shop is closed during the whole day on the occasion of a bank holiday, and that day is not the day fixed for the weekly half-holiday, it shall be lawful for the occupier of the shop to keep the shop open for the serving of customers after the hour at which it is required under this section to be closed either on the half-holiday immediately preceding, or on the half-holiday immediately succeeding, the bank holiday.
- (6) This section shall not apply to any shop in which the only trade or business carried on is trade or business of any of the classes mentioned in the First Schedule to this Act, but the local authority may, by order made and revocable in the manner hereinafter provided with respect to closing orders, extend the provisions of this section to shops of any class exempted under this subsection if satisfied that the occupiers of at least two-thirds of the shops of that class approve the order.
- (7) Nothing in this section shall prevent the serving of a customer at any time at which the shop is required to be closed under this section if it is proved either that the customer was in the shop before the time when the shop was required to be closed, or that there was reasonable ground for believing that the article supplied to the customer was required in the case of illness.
- (8) Nothing in this section shall prevent customers from being served at a time when the shop in which they are served is required to be closed with victuals, stores, or other necessaries for a ship, on her arrival at, or immediately before her departure from, a port.

General closing hours

2 General closing hours

- (1) Every shop shall be closed for the serving of customers—
- (a) as respects the winter months, not later than half-past seven o'clock in the evening on the late day and six o'clock in the evening on any other day of the week; and
 - (b) where the foregoing paragraph does not apply, not later than nine o'clock in the evening on the late day and eight o'clock in the evening on any other day of the week:

Provided that a local authority may, by order, substitute other hours (whether earlier or later) for the hours fixed by paragraph (a) of this subsection so, however, that the substituted hours shall not be later than seven o'clock in the evening except on not more than two days (one of which shall be the late day) when the substituted hours may be not later than eight o'clock in the evening.

- (2) Before making any order under the foregoing subsection the local authority shall take such steps, whether by consultation with representative associations or otherwise, as appear to the authority to be most appropriate for ascertaining the views of occupiers of shops and shop assistants affected by the order, and any such order—
 - (a) may be made so as to apply to the whole or any part of the area of the local authority;
 - (b) may be made so as to apply to all trades or businesses or to any specified trade or business;
 - (c) may fix different hours for different days of the week and for different trades or businesses; and
 - (d) may contain such incidental and supplemental provisions as appear to the local authority to be necessary or expedient for the purposes of the order.
- (3) Nothing in this section shall prevent—
 - (a) the serving of a customer where it is proved that the customer was in the shop before the closing hour, or that reasonable grounds existed for believing that the article supplied after the closing hour to a customer was required in the case of illness; or
 - (b) any transaction mentioned in the Second Schedule to this Act.
- (4) In this Act the expression " the winter months " means the period beginning with the first Sunday in November in any year and ending with the day before the first Sunday in March in the succeeding year.

3 The late day

The late day referred to in the last foregoing section shall be Saturday unless the local authority by order fix some other day as the late day, and any such order may fix the same day for all shops or may fix—

- (a) different days for different classes of shops;
- (b) different days for different parts of their area; or
- (c) different days for different periods of the year:

Provided that where the local authority have under this Act fixed any day as the weekly half-holiday for any class of shop, or for any part of their area, or for any period of the year, they shall, as respects that class, part or period, fix some other day as the late day.

4 Special provision for tobacco and smokers' requisites

As respects the trade or business of selling tobacco and smokers' requisites—

- (a) paragraph (a) of, and the proviso to, subsection (1) of section two of this Act and subsection (2) of that section shall not apply ; and
- (b) a local authority may, in their area, or in any part thereof, by order substitute for the hours fixed by paragraph (b) of the said subsection (1) later hours, not being later than ten o'clock in the evening on the late day or half past nine

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o'clock in the evening on any other day, if they are satisfied that such an order is desired by the occupiers of at least two-thirds in number of the shops to be affected by the order.

5 Special provision for newspapers and periodicals

As respects the trade or business of selling newspapers and periodicals, paragraph (a) of, and the proviso to, subsection (1) of section two of this Act and subsection (2) of that section shall not apply.

6 Special provision for confectionery

As respects the trade or business of selling table waters, sweets, chocolates or other sugar confectionery or ice cream, the following hours shall be substituted for those set out in subsection (1) of section two of this Act, that is to say—

- (a) as respects the winter months, nine o'clock in the evening on the late day and eight o'clock in the evening on any other day ; and
- (b) where the foregoing paragraph does not apply, ten o'clock in the evening on the late day and half past nine o'clock in the evening on any other day:

Provided that a local authority may in their area or any part thereof by order substitute for either of the hours mentioned in paragraph (b) of this subsection an earlier hour, not being earlier than eight o'clock in the evening, if they are satisfied that such an order is desired by the occupiers of a majority of the shops to be affected by the order.

7 Certain provisions as to general closing hours to be temporary

- (1) The provisions of this Act relating to general closing hours which have effect only as respects the winter months shall expire on the tenth day of December, nineteen hundred and fifty:

Provided that—

- (a) His Majesty may at any time by Order in Council revoke the said provisions either in whole or in part and any such Order in Council shall be subject to annulment in pursuance of a resolution of either House of Parliament;
 - (b) if at any time while the said provisions are in force, an Address is presented to His Majesty by each House of Parliament praying that those provisions should be continued in force for a further period not exceeding one year from the time at which they would otherwise expire, His Majesty may by Order in Council direct that those provisions shall continue in force for that further period.
- (2) The Supplies and Services (Transitional Powers) Act, 1945, shall apply as if the said provisions were a Defence Regulation to which section one of that Act applies.
 - (3) Subsection (2) of section thirty-eight of the Interpretation Act, 1889, shall apply upon the expiry of the said provisions as if they were an Act of Parliament and had then been repealed.

Closing orders

8 Closing orders

- (1) An order (in this Act referred to as " a closing order ") made by a local authority, and confirmed by the Secretary of State in manner provided by this Act, may fix the hours on the several days of the week at which, either throughout the area of the local authority or in any specified part thereof, all shops or shops of any specified class are to be closed for serving customers.
- (2) The hour fixed by a closing order shall not be earlier than seven o'clock in the evening on any day of the week.
- (3) The order may—
 - (a) define the shops and trades to which the order applies; and
 - (b) authorise sales after the closing hour fixed by the order in cases of emergency and in such other circumstances as may be specified or indicated in the order ; and
 - (c) contain any incidental, supplemental, or consequential provisions which may appear necessary or proper.

- (4) Nothing in the foregoing provisions of this Act relating to general closing hours shall affect the power of a local authority by a closing order under this section to fix closing hours earlier than the general closing hours fixed by or under this Act:

Provided that any closing order shall be of no effect in so far as it authorises sales after the general closing hours fixed by or under this Act or contains provisions inconsistent with the provisions of this Act relating to general closing hours.

- (5) Nothing in any closing order shall prevent—
 - (a) the serving of a customer where it is proved that the customer was in the shop before the closing hour fixed (by the order, or that reasonable grounds existed for believing that the article supplied after that hour was required in the case of illness; or
 - (b) any transaction mentioned in the Second Schedule to this Act.
- (6) In the case of a shop as respects which a closing order is in force on the first Sunday in November in any year, the foregoing, provisions of this Act as, to general closing hours in the winter months shall not be construed as making later the hours at which the shop is required to be closed while the order remains in force.

9 Procedure for making closing orders

- (1) Whenever a local authority are satisfied that a prima facie case is made out for making a closing order, the authority shall give public notice in the prescribed manner and in the prescribed form of their intention to make an order, specifying therein 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 may have received the local authority are satisfied that it is expedient to make the order and that the occupiers of at least two-thirds in number of the shops to be affected by the order approve the order, they may make the order.
- (2) Notice of the provisions of the order shall be given, and copies thereof shall be supplied, in the prescribed manner, and the order shall be submitted to the Secretary

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of State and the Secretary of State shall consider any objections to the order, and may either disallow the order or confirm the order with or without amendments.

His power of confirmation shall be exercisable by statutory instrument.

- (3) As soon as the Secretary of State has confirmed any order, the order shall become final and have the effect of an Act of Parliament:

Provided that every statutory instrument confirming a closing order shall be subject to annulment in pursuance of a resolution of either House of Parliament.

10 Local inquiries for the purpose of promoting and facilitating early closing

- (1) Where it appears to the Secretary of State, on the representation of the local authority or a joint representation from a substantial number of occupiers of shops and shop assistants in the area of the local authority, that it is expedient to ascertain the extent to which there is a demand for early closing in any locality, and to promote and facilitate the making of a closing order therein, the Secretary of State may appoint a competent person to hold a local inquiry.
- (2) If, after holding such an inquiry and conferring with the local authority, it appears to the person holding the inquiry that it is expedient that a closing order should be made, he shall prepare a draft order and submit it to the Secretary of State together with his report thereon.
- (3) If the Secretary of State, after considering the draft order and report, and any representations which the local authority may have made in respect thereof, is of opinion that it is desirable that a closing order should be made, he may communicate his decision to the local authority, and thereupon there shall be deemed to be a prima facie case for making a closing order in accordance with the terms of the draft order, subject to such modifications (if any) as the Secretary of State may think fit.
- (4) The person who held the inquiry shall, if so directed by the Secretary of State on the application of the local authority, assist and co-operate with the local authority in taking the steps preliminary to making the order.

11 Revocation of closing orders

The Secretary of State may, at any time on the application of the local authority, revoke a closing order either absolutely or so far as it affects any particular class of shops, and, if at any time it is made to appear to the satisfaction of the local authority that the occupiers of a majority of any class of shops to which a closing order applies are opposed to the continuance of the order, the local authority shall apply to the Secretary of State to revoke the order in so far as it affects that class of shops, but any such revocation shall be without prejudice to the making of any new closing order.

The power of the Secretary of State to revoke a closing order shall be exercisable by statutory instrument.

Trading outside shops and shops with several trades

12 Trading elsewhere than in shops

It shall not be lawful in any locality to carry on in any place not being a shop retail trade or business of any class at any time when it would be unlawful in that locality to keep a shop open for the purposes of retail trade or business of that class, and, if any person carries on any trade or business in contravention of this section, this Part of this Act and the provisions in Part V for the enforcement of this Act shall apply as if he were the occupier of a shop and the shop were being kept open in contravention of this Part of this Act:

Provided that—

- (a) the prohibition imposed by this section shall, as respects any day other than the weekly half-holiday, be subject, in so far as the prohibition is affected by any closing order, to such exemptions and conditions, if any, as may be contained in the order; and
- (b) nothing in this section shall be construed as preventing a barber or hairdresser from attending a customer in the customer's residence, or the holding of an auction sale of private effects in a private dwelling-house; and
- (c) nothing in this section shall apply to the sale of newspapers.

13 Shops where more than one trade or business is carried on

- (1) Where several trades or businesses are carried on in the same shop, and any of those trades or businesses is of such a nature that, if it were the only trade or business carried on in the shop, the shop would be exempt from the obligation to be closed on the weekly half-holiday, the exemption shall apply to the shop so far as the carrying on of that trade or business is concerned, subject, however, to such conditions as may be prescribed.
- (2) Where several trades or businesses are carried on in the same shop and any of those trades or businesses consists only of transactions of such a nature that, if they were the only transactions carried on in the shop, the provisions of this Act relating to general closing hours would not apply to the shop, the shop may be kept open after the general closing hours for the purposes of those transactions alone, subject, however, to such conditions as may be prescribed.
- (3) Where several trades or businesses are carried on in the same shop and any of those trades or businesses is of such a nature that if it were the only trade or business carried on in the shop a closing order would not apply to the shop, the shop may be kept open for the purposes of that trade and business alone after the closing hour fixed by the closing order, but on such terms and under such conditions as may be specified in the order.
- (4) 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 a majority or any proportion or number of occupiers or of shops for the purposes of this Part of this Act, be considered as carried on in the shop unless the occupier of the shop satisfies the local authority that it forms a substantial part of the business carried on in the shop.

Supplemental

14 Offences under Part I

- (1) In the case of any contravention of any of the provisions of section one of this Act, 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.
- (2) In the case of any contravention of any provisions of this Part of this Act not punishable under the foregoing subsection, or of any contravention of a closing order, or of any breach of a condition imposed by any order made under subsection (2) of section two 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 (3) of section forty-one or subsection (3) of section forty-two of this Act shall be treated as if it were an offence under this subsection.

15 Expenses of Secretary of State

Any expenses incurred by the Secretary of State under this Part of this Act, including the remuneration of any person holding a local inquiry under section ten of this Act, shall, to such extent as may be sanctioned by the Treasury, be paid out of moneys provided by Parliament.

16 Local inquiries

In addition to the local inquiries which the Secretary of State is empowered to hold under section ten of this Act, the Secretary of State may cause a local inquiry to be held for the purposes of any of his powers and duties under this Part of this Act, and, save in Scotland, the costs incurred in relation to any such last-mentioned inquiry, including the salary of any officer engaged in the inquiry, not exceeding three guineas a day, shall be paid by the local authority concerned, and the Secretary of State may certify the amount of the costs incurred.

Any sums so certified shall be a debt to the Crown from the local authority.