



Shops Act 1950

1950 CHAPTER 28

PART II

CONDITIONS OF EMPLOYMENT

Statutory half-holiday and meal times

21 Application of foregoing provisions to premises for the sale of refreshments

- (1) This section applies to shop assistants employed in any premises for the sale of refreshments, whether licensed for the sale of intoxicating liquor or not, if their employment is wholly or mainly in connection with the sale of intoxicating liquors or refreshments for consumption on the premises.
- (2) The foregoing sections of this Part of this Act shall not apply to shop assistants to whom this section applies if the occupier of the premises in which they are employed, by such a notice as is hereinafter mentioned, signifies that he elects that, instead of those provisions, the following provisions shall apply.
- (3) The said provisions are—
 - (a) that no assistant to whom this section applies shall be employed for more than sixty-five hours in any week exclusive of meal times;
 - (b) that provision shall be made for securing to every assistant to whom this section applies—
 - (i) thirty-two whole holidays on a week day in every year of which at least two shall be given within the currency of each month and which shall comprise a holiday on full pay of not less than six consecutive days so, however, that two half holidays on a week day shall be deemed equivalent to one whole holiday on a week day ;
 - (ii) twenty-six whole holidays on Sunday in every year, so distributed that at least one out of every three consecutive Sundays shall be a whole holiday ;

Status: This is the original version (as it was originally enacted).

- (c) that unless the only persons employed as shop assistants are members of the family of the occupier of the premises maintained by him and dwelling in his house—
 - (i) intervals for meals shall be allowed to every assistant to whom this section applies amounting on a half holiday to not less than three-quarters of an hour, and on every other day to not less than two hours, and
 - (ii) no assistant shall be employed for more than six hours without being allowed an interval of at least half an hour;
 - (d) that the occupier shall affix and constantly maintain in a conspicuous position in the premises a notice in the prescribed form referring to the provisions of this section, and stating the steps taken with a view to compliance therewith.
- (4) Paragraph (a) of the last foregoing subsection shall not apply to any young person whose hours of employment are regulated under sections twenty-four to thirty-one of this Act.
- (5) Where the occupier of any premises has signified as aforesaid that he elects that the foregoing provisions of this section shall apply, and any of those provisions are not complied with, the occupier of the premises shall be liable to a fine not exceeding—
- (a) in the case of a first offence, one pound ; and
 - (b) in the case of a second offence, five pounds ; and
 - (c) in the case of a third or subsequent offence, ten pounds.
- (6) For the purposes of this section, the expression " half holiday " means a day on which the employment of an assistant ceases not later than three o'clock in the afternoon and on which he is not employed for more than six hours including meal-time.
- (7) A notice under this section may be withdrawn by the occupier of the shop at the expiration of a year from the date when it was given, and thereafter at the expiration of any succeeding year, and upon any such withdrawal the foregoing sections of this Part of this Act shall apply to the shop in like manner as before the notice was given.
- (8) The foregoing sections of this Part of this Act and Part III of this Act shall, in their application to any premises in respect to which a notice under this section is in force, have effect as though the expression " shop assistant" included all persons wholly or mainly employed in any capacity at the premises in connection with the business there carried on.