



# Shops Act 1950

## 1950 CHAPTER 28

### PART III

#### MODIFICATIONS OF PARTS I AND II IN SPECIAL CASES

#### **41 Alteration of general closing hours in holiday resorts and sea fishing centres**

- (1) In places frequented as holiday resorts during certain seasons of the year, and in places where sea fishing is principally carried on during certain seasons of the year, the local authority shall by order, during such period as may be specified in the order, substitute for the general closing hours fixed by or under this Act such later hours as they may think fit if, upon application being made to them for an order under this section, they are satisfied that such an order is desired by the occupiers of a majority of the shops to be affected by the order:

Provided that the local authority shall not in any year by orders under this subsection substitute later hours for the general closing hours fixed by this Act for periods exceeding four months in the aggregate in that year.

- (2) Any order under this section—
- (a) may be made so as to apply to the whole or to any part of the area of the local authority, and to all shops, or to shops of any class, within that area or part; and
  - (b) shall be made subject to such conditions as the local authority may consider necessary for securing that shop assistants affected by the order shall not be employed in or about the business of a shop for more than such number of hours as may be specified by the order ; and
  - (c) may suspend the operation of any closing order which is for the time being in force in the area of the local authority.
- (3) In the case of any breach of a condition imposed by any order made under this section, 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.

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*Status: This is the original version (as it was originally enacted).*

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In considering for the purposes of this subsection whether an offence is or is not a first offence, any offence under subsection (2) of section fourteen or subsection (3) of section forty-two of this Act shall be treated as if it were an offence under this subsection.

- (4) If, while orders made under this section are in force, any shop assistant affected by any order under this section is, in any year, employed in or about the business of a shop for extra hours, he shall, subject to the provisions of the Fourth Schedule to this Act, be entitled to corresponding holidays, calculated in accordance with the provisions of that Schedule, with full wages.

If at the date of the termination of his employment or at the end of the year, whichever first occurs, default has been made in granting to him any holiday or wages to which he is entitled under this subsection, the shop assistant may recover as a debt due from the employer for every day's holiday in respect of which such default has been made a sum equal to one-sixth of the highest weekly rate of wages paid to him in respect of his employment in or about the business of the shop during the year or the part thereof during which he has been employed therein.

- (5) For the purposes of this section and the said Fourth Schedule—
- " extra hours " means, in relation to any shop assistant, hours in excess of the customary working day, being hours after the general closing hours fixed by or under this Act otherwise than by an order made under this section;
  - " customary working day " means, in relation to any shop assistant, the daily number of hours during which shop assistants of his class are, while unaffected by any order made under this section, customarily employed in or about the business of the shop in which he is employed ;
  - " full wages " means, in relation to any holiday granted to a shop assistant, wages at a rate equivalent to the rate of wages to which he was entitled immediately before the holiday.
- (6) In the case of a shop as respects which an order under this section is in force on the first Sunday in November in any year, the provisions of Part I of this Act as to general closing hours in the winter months shall not be construed as making earlier the hours at which the shop is required to be closed while the order remains in force.