



Shops Act 1950

1950 CHAPTER 28

PART V

GENERAL

71 Enforcement

- (1) It shall be the duty of every local authority to enforce within their district the provisions of this Act and of the orders made under those provisions, and for that purpose to institute and carry on such proceedings in respect of contraventions of the said provisions and such orders as aforesaid as may be necessary to secure observance thereof.
- (2) For the purpose of their duties under the foregoing subsection, it shall be the duty of every local authority to appoint inspectors, and an inspector so appointed shall, for the purposes of his powers and duties, have in relation to shops all the powers conferred in relation to factories on inspectors by section one hundred and twenty-three of the Factories Act, 1937, and that section and section one hundred and twenty-five of the same Act shall apply accordingly.

An inspector may, if so authorised by the local authority, institute and carry on any proceedings under this Act on behalf of the authority.

- (3) The following enactments in the Factories Act, 1937, that is to say—
 - subsection (1) of section one hundred and forty (which provides for the summary prosecution of offences),
 - subsection (2) of section one hundred and forty (which relates to the terms of an information in proceedings under the Act),
 - subsection (7) of section one hundred and forty (which disqualifies certain interested persons from acting as members of a court trying an offence),
 - section one hundred and forty-one (which provides for an appeal from an order made by a court of summary jurisdiction in England or Wales),

Status: This is the original version (as it was originally enacted).

subsection (2) of section one hundred and forty-two (which in proceedings with respect to a young person imposes on the defendant the onus of proving that the young person is not below a given age),

subsection (7) of section one hundred and fifty-six (which confers on certain courts in Scotland power to deal with minor offences under the Act),

subsection (9) of section one hundred and fifty-six (which enables a prosecutor in Scotland to give evidence in the proceedings), and

subsection (10) of section one hundred and fifty-six (which renders a person convicted in Scotland of an offence against the Act liable in expenses),

shall, so far as they are applicable, have effect as if re-enacted in this Act and in terms made applicable thereto.

- (4) All fines imposed in any proceedings instituted by or on behalf of a local authority in pursuance of their powers and duties under this Act shall be paid to the local authority:

Provided that in England and Wales this subsection shall cease to have effect upon the coming into operation of section twenty-seven of the Justices of the Peace Act, 1949.

- (5) Where an offence for which the occupier of a shop is liable under this Act has, in fact, been committed by some manager, agent, servant or other person, the manager, agent, servant or other person shall be liable to the like penalty as if he were the occupier.
- (6) Where the occupier of a shop is charged with an offence under this Act, he shall be entitled upon information duly laid by him to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, he proves to the satisfaction of the court that he has used due diligence to enforce the execution of this Act and that the said other person has committed the offence in question without his knowledge, consent or connivance, the said other person shall be summarily convicted of such offence, and the occupier shall be exempt from any fine.
- (7) The expression " shop " in this section—
- (a) so far as it relates to the enforcement of any other provision of this Act, has the same meaning as in that other provision ; and
- (b) so far as it relates to the enforcement of any provision in Part II or Part IV of this Act which applies to retail trade or business carried on at any place not being a shop, includes a reference to any such place.