

Sunday Trading (London Olympic Games and Paralympic Games) Bill [HL]

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Department for Business, Innovation & Skills, are published separately as Bill 335 – EN.

EUROPEAN CONVENTION ON HUMAN RIGHTS

Secretary Vince Cable has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the Sunday Trading (London Olympic Games and Paralympic Games) Bill [HL] are compatible with the Convention rights.

Sunday Trading (London Olympic Games and Paralympic Games) Bill [HL]

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TO

Suspend restrictions on Sunday trading hours for the period of the London Olympic Games and Paralympic Games; and for connected purposes.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Suspension of restriction on Sunday trading hours

- (1) Paragraph 2(1) of Schedule 1 to the Sunday Trading Act 1994 (which restricts Sunday opening at large shops) does not apply during the suspension period.
- (2) But Schedule 3 to that Act (which restricts loading and unloading at large shops on Sunday mornings) is to apply during the suspension period to any shop to which it would apply during that period were it not for the disapplication made by subsection (1). 5
- (3) “The suspension period” means the part of the London Olympics period which—
 - (a) begins with Sunday 22 July 2012, and 10
 - (b) ends with Sunday 9 September 2012.
- (4) “The London Olympics period” has the same meaning as in the London Olympic Games and Paralympic Games Act 2006 (see section 1(3) of that Act).

2 Opting out of Sunday work

- (1) Where a shop worker gives an opting-out notice in the pre-Games period that relates to work at an exempted large shop, section 41(3) of the Employment Rights Act 1996 has effect as if the notice period in relation to the shop worker were the period which—
 - (a) begins with the day on which the notice is given, and 15
 - (b) ends two months after that day, or with Saturday 21 July 2012 (if that is later). 20

- (2) Section 42(2) of that Act accordingly has effect in relation to the shop worker as if the reference to three months were a reference to the notice period as it is modified by subsection (1).
- (3) Where the opting-out notice includes an express statement to the effect that the shop worker objects to Sunday working only during the suspension period, the shop worker is to be treated for the purposes of that Act as having given an opting-in notice at the end of that period. 5
- (4) The “pre-Games period” is the period which—
 (a) begins with the day on which this Act is passed, and
 (b) ends with Monday 9 July 2012. 10
- (5) An “exempted large shop” is a shop to which paragraph 2(1) of Schedule 1 to the Sunday Trading Act 1994 would apply during the suspension period were it not for the disapplication made by section 1(1).
- (6) In this section—
 “opting-in notice”, “opting-out notice” and “shop worker” each have the same meaning as in the Employment Rights Act 1996, and
 “suspension period” has the meaning given in section 1(3). 15

3 Duration, transitional provision, extent and short title

- (1) Sections 1 and 2 are repealed immediately after the end of the suspension period (as defined by section 1(3)). 20
- (2) Subsection (3) applies in a case within section 2 where—
 (a) the opting-out notice was given less than three months before the end of the suspension period, and
 (b) section 42(2) of the Employment Rights Act 1996 (which sets out the case in which the notice period is to be one month beginning with the day on which the notice was given) does not apply. 25
- (3) For the purposes of section 41(3) of that Act, the notice period (which, as a result of the repeal made by subsection (1), reverts to being the period of three months beginning with the day on which the notice was given) is to be treated as ending immediately after that repeal. 30
- (4) This Act extends to England and Wales only.
- (5) This Act may be cited as the Sunday Trading (London Olympic Games and Paralympic Games) Act 2012.

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To suspend restrictions on Sunday trading hours for the period of the London Olympic Games and Paralympic Games; and for connected purposes.

Brought from the Lords, 26 April 2012.

Ordered, by The House of Commons, to be Printed, 26 April 2012.

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