

Christmas Day (Trading) Bill [HL]

CONTENTS

- 1 Large shops not to open on Christmas Day
- 2 Consequential amendments
- 3 Interpretation
- 4 Expenses
- 5 Short title, commencement and extent

Schedule – General Enforcement Provisions

[NOTE: The words marked in bold type were inserted by the Lords to avoid questions of privilege.]

A

B I L L

TO

Prohibit trading on Christmas Day in certain cases; 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 Large shops not to open on Christmas Day

- (1) Subject to subsection (2) below, a large shop shall not be open on Christmas Day for the serving of retail customers.
- (2) Subsection (1) above does not apply in relation to –
 - (a) any of the shops mentioned in paragraph 3(1) of Schedule 1 to the 1994 Act (restrictions on Sunday opening of large shops), or 5
 - (b) any shop in respect of which a notice under paragraph 8 (1) of Schedule 2 to the 1994 Act (shops occupied by persons observing the Jewish Sabbath) has effect.
- (3) If subsection (1) above is contravened in relation to a shop, the occupier of the shop shall be liable on summary conviction to a fine not exceeding £50,000. 10
- (4) The Schedule to this Act shall have effect.

2 Consequential amendments

- (1) Paragraph 2 of Schedule 1 to the 1994 Act (large shops not to open on Sunday except in accordance with notice to local authority) is amended as follows. 15
- (2) In sub-paragraph (4), the words “or Christmas Day” are omitted.
- (3) After that sub-paragraph there is inserted –

“(5) Nothing in this paragraph applies where the Sunday is Christmas Day.”.

3 Interpretation

- (1) In this Act- 20

- “local authority” has the meaning given by section 8 of the 1994 Act;
 “the 1994 Act” means the Sunday Trading Act 1994 (c. 20);
 “large shop” has the meaning given by paragraph 1 of Schedule 1 to the 1994 Act, except that the definition of “relevant floor area” in that paragraph has effect for the purposes of this Act as if the reference to the week ending with the Sunday in question were a reference to the period of seven days ending with the Christmas Day in question;
 “retail customers” and “shop” have the meaning given by paragraph 1 of Schedule 1 to the 1994 Act. 5
- (2) Paragraph 3(2) of Schedule 1 to the 1994 Act has effect for the purposes of section 1(2)(a) above as if - 10
- (a) the reference to weekdays were a reference to days of the year other than Christmas Day, and
 - (b) the reference to Sunday were a reference to Christmas Day.
- 4 Expenses** 15
- There shall be paid out of money provided by Parliament any increase attributable to this Act in the sums so payable under any other Act.
- 5 Short title, commencement and extent**
- (1) This Act may be cited as the Christmas Day (Trading) Act 2002.
 - (2) This Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint. 20
 - (3) This Act extends to England and Wales only.
 - (4) **Nothing in this Act shall impose any charge on the people or on public funds, or vary the amount or incidence of or otherwise alter any such charge in any manner, or affect the assessment, levying, administration or application of any money raised by any such charge.** 25

SCHEDULE

Section 1

GENERAL ENFORCEMENT PROVISIONS

Duty to enforce Act

- 1 It shall be the duty of every local authority to enforce within their area the provisions of section 1(1) of this Act. 5

Inspectors

- 2 For the purposes of their duties under paragraph 1 above it shall be the duty of every local authority to appoint inspectors, who may be the same persons appointed as inspectors by the local authority under paragraph 2 of Schedule 2 to the 1994 Act. 10
- 3 Paragraphs 3 and 4 of Schedule 2 to the 1994 Act (powers of entry and obstruction of inspectors) shall apply in respect of inspectors appointed under this Act as they apply to inspectors appointed under that Act and for the purpose of paragraph 3 as so applied the reference in that paragraph to the provisions of Schedules 1 and 3 to the 1994 Act shall be taken to be a reference to section 1(1) of this Act. 15

Miscellaneous provisions relating to offences

- 4 Paragraphs 5, 6 and 7 of Schedule 2 to the 1994 Act (offences due to fault of other person, offences by bodies corporate and defence of due diligence) shall apply in respect of offences under this Act as they apply in respect of offences under that Act. 20

Christmas Day (Trading) Bill [HL]

A

B I L L

To prohibit trading on Christmas Day in certain cases; and for connected purposes.

Brought from the Lords, 13th December 2001.

*Ordered, by the House of Commons,
to be Printed, 11th April 2002.*

© Parliamentary copyright House of Lords and House of Commons 2002
*Applications for reproduction should be made in writing to the Copyright Unit,
Her Majesty's Stationery Office, St Clements House, 2-16 Colegate, Norwich NR3 1BQ*

PRINTED BY AUTHORITY OF THE HOUSE OF LORDS AND HOUSE OF COMMONS
LONDON: THE STATIONERY OFFICE LIMITED

Printed in the United Kingdom by
The Stationery Office Limited

£1.50

Bill 118

(726494)

53/1

ISBN 0-215-70099-6



9 780215 700995