

# Christmas Day (Trading) Bill

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## EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Department of Trade and Industry with the consent of Mr Kevan Jones, the Member in charge of the Bill, are published separately as Bill 20–EN.

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**B I L L**

TO

Prohibit the opening of large shops on Christmas Day.

**B**E 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 Prohibition of opening of large shops on Christmas Day**

- (1) A large shop must not be open on Christmas Day for the serving of retail customers. 5
- (2) Subsection (1) does not apply to any of the shops mentioned in paragraph 3(1) of Schedule 1 to the 1994 Act (shops exempt from restrictions on Sunday trading). 10
- (3) If subsection (1) is contravened in relation to a shop, the occupier of the shop is liable on summary conviction to a fine not exceeding £50,000. 15
- (4) In its application for the purposes of subsection (2), paragraph 3(2) of Schedule 1 to the 1994 Act (which relates to the interpretation of paragraph 3(1) of that Schedule) has effect as if—
- (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. 20
- (5) In this section—  
“large shop” has the same meaning as in Schedule 1 to the 1994 Act, except that for the purposes of this section the definition of “relevant floor area” in paragraph 1 of that Schedule is to be read 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 customer” and “shop” have the same meaning as in that Schedule.

**2 Enforcement**

- (1) It is the duty of every local authority to enforce within their area the provisions of section 1.

- (2) For the purposes of their duties under subsection (1), it is the duty of every local authority to appoint inspectors, who may be the same persons as those appointed as inspectors by the local authority under paragraph 2 of Schedule 2 to the 1994 Act.
- (3) Paragraphs 3 and 4 of Schedule 2 to the 1994 Act (powers of entry and obstruction of inspectors) apply in respect of inspectors appointed under subsection (2) as they apply to inspectors appointed under paragraph 2 of that Schedule and, for the purposes of paragraph 3 of that Schedule as so applied, the reference in that paragraph to the provisions of Schedules 1 and 3 to the 1994 Act is to be taken to be a reference to the provisions of section 1 of this Act.
- (4) Paragraphs 5, 6 and 7 of Schedule 2 to the 1994 Act (offences due to fault of other person, offences by body corporate and defence of due diligence) apply in respect of the offence under section 1 as they apply in respect of offences under the 1994 Act.
- (5) In this section “local authority” has the meaning given by section 8 of the 1994 Act.

### 3 Consequential amendments

- (1) In Schedule 1 to the 1994 Act (restrictions on Sunday opening of large shops), paragraph 2 is amended as follows.
- (2) In sub-paragraph (4), omit “or Christmas Day”.
- (3) After that sub-paragraph insert—
- “(5) Nothing in this paragraph applies where the Sunday is Christmas Day (the opening of large shops on Christmas Day being prohibited by section 1 of the Christmas Day (Trading) Act 2004).”

### 4 Expenses

*There is to be paid out of money provided by Parliament any increase attributable to this Act in the sums which under any other Act are payable out of money so provided.*

### 5 Short title, interpretation, commencement and extent

- (1) This Act may be cited as the Christmas Day (Trading) Act 2004.
- (2) In this Act “the 1994 Act” means the Sunday Trading Act 1994 (c. 20).
- (3) This Act comes into force on such day as the Secretary of State may by order made by statutory instrument appoint.
- (4) This Act extends to England and Wales only.

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## B I L L

To prohibit the opening of large shops on Christmas Day.

*Presented by Mr Kevan Jones  
supported by  
Mr A.J. Beith, Ann Coffey, Sir Patrick Cormack,  
Mr David Crausby, Mrs Gwyneth Dunwoody,  
Mr Gerald Howarth, Helen Jones,  
Mr Colin Pickthall, Mark Tami, Mr Tom Watson  
and Sir Nicholas Winterston.*

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to be Printed, 7th January 2004.*

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