

Remembrance Sunday (Closure of Shops) Bill

[HL]

CONTENTS

- 1 Prohibition of opening of large shops on Remembrance Sunday
- 2 Loading and unloading early on Remembrance Sunday
- 3 Enforcement
- 4 Consequential amendments
- 5 Short title, interpretation, commencement and extent

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TO

Provide for the extension of Christmas Day restrictions on the opening of retail premises to Remembrance Sunday; 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 Prohibition of opening of large shops on Remembrance Sunday

- (1) A large shop must not be open on Remembrance Sunday for the serving of retail customers.
- (2) Subsection (1) does not apply to any of the shops mentioned in paragraph 3(1) of Schedule 1 to the 1994 Act. 5
- (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.
- (4) In this section—
“large shop” has the same meaning as in Schedule 1 to the 1994 Act;
“retail customer” and “shop” have the same meaning as in that Schedule. 10

2 Loading and unloading early on Remembrance Sunday

- (1) Where a shop which is prohibited by section 1 from opening on Remembrance Sunday is located in a loading control area, the occupier of the shop must not load or unload, or permit any other person to load or unload, goods from a vehicle at the shop before 9 a.m. on Remembrance Sunday in connection with the trade or business carried on in the shop, unless the loading or unloading is carried on—
 - (a) with the consent of the local authority for the area in which the shop is situated, granted in accordance with this section, and
 - (b) in accordance with any conditions subject to which that consent is granted. 15
- (2) A person who contravenes subsection (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale. 20

- (3) In this section, “loading control area” means any area designated by a local authority as a loading control area in accordance with section 2 of the 1994 Act.

3 Enforcement

- (1) It is the duty of every local authority to enforce within their area the provisions of sections 1 and 2. 5
- (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 sections 1 and 2 of this Act. 10 15
- (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 sections 1 and 2 as they apply in respect of offences under the 1994 Act. 20
- (5) In this section “local authority” has the meaning given by section 8 of the 1994 Act.

4 Consequential amendments

- (1) The 1994 Act is amended as follows.
- (2) In Schedule 1 (restrictions on Sunday opening of large shops), after paragraph 2(5) insert – 25
- “(6) Nothing in this paragraph applies where the Sunday is Remembrance Sunday (the opening of large shops on Remembrance Sunday being prohibited by section 1 of the Remembrance Sunday (Closure of Shops) Act 2011).” 30
- (3) In Schedule 3 (loading and unloading at large shops on Sunday morning), after paragraph 10 insert –
- “Remembrance Sunday*
- 11 Paragraph 2 does not apply where the Sunday is Remembrance Sunday (loading and unloading at large shops on Remembrance Sunday being regulated by section 2 of the Remembrance Sunday (Closure of Shops) Act 2011).” 35

5 Short title, interpretation, commencement and extent

- (1) This Act may be cited as the Remembrance Sunday (Closure of Shops) Act 2011. 40
- (2) In this Act “the 1994 Act” means the Sunday Trading Act 1994.

- (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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Lord Davies of Coity

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