

Status: Point in time view as at 12/03/2015.

Changes to legislation: There are currently no known outstanding effects for the Sunday Trading Act 1994, SCHEDULE 1. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 1(1).

RESTRICTIONS ON SUNDAY OPENING OF LARGE SHOPS

Interpretation

1 In this Schedule—

[^{F1} “ alcohol ” has the same meaning as in the Licensing Act 2003,]

“large shop” means a shop which has a relevant floor area exceeding 280 square metres,

“medicinal product” and “registered pharmacy” have the same meaning as in the ^{M1}Medicines Act 1968,

“relevant floor area”, in relation to a shop, means the internal floor area of so much of the shop as consists of or is comprised in a building, but excluding any part of the shop which, throughout the week ending with the Sunday in question, is used neither for the serving of customers in connection with the sale of goods nor for the display of goods,

“retail customer” means a person who purchases goods retail,

“retail sale” means any sale other than a sale for use or resale in the course of a trade or business, and references to retail purchase shall be construed accordingly,

“sale of goods” does not include—

- (a) the sale of meals, refreshments or [^{F2}alcohol] for consumption on the premises on which they are sold, or
- (b) the sale of meals or refreshments prepared to order for immediate consumption off those premises,

“shop” means any premises where there is carried on a trade or business consisting wholly or mainly of the sale of goods, and

“stand”, in relation to an exhibition, means any platform, structure, space or other area provided for exhibition purposes.

[^{F3} “ veterinary medicinal product ” has the same meaning as in regulation 2 of the Veterinary Medicines Regulations 2006.]

Textual Amendments

- F1** Definition in Sch. 1 para. 1 substituted (24.11.2005) by [Licensing Act 2003 \(c. 17\), s. 201\(2\), Sch. 6 para. 110\(2\)\(a\)](#) (with [ss. 2\(3\), 15\(2\), 195](#)); [S.I. 2005/3056, art. 2\(2\)](#)
- F2** Word in Sch. 1 para. 1 substituted (24.11.2005) by [Licensing Act 2003 \(c. 17\), s. 201\(2\), Sch. 6 para. 110\(2\)\(b\)](#) (with [ss. 2\(3\), 15\(2\), 195](#)); [S.I. 2005/3056, art. 2\(2\)](#)
- F3** Definition in Sch. 1 para. 1 added (1.10.2006) by [The Veterinary Medicines Regulations 2006 \(S.I. 2006/2407\), reg. 1, Sch. 9 para. 9\(a\)](#) (with [regs. 2\(4\), 3](#))

Status: Point in time view as at 12/03/2015.

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Marginal Citations

M1 1968 c. 67.

[^{F4}Restrictions on Sunday opening hours of large shops]

Textual Amendments

F4 Sch. 1 para. 2 cross-heading substituted (27.2.2004) by [Regulatory Reform \(Sunday Trading\) Order 2004 \(S.I. 2004/470\)](#), arts. 1(1), **2(2)(a)**

- 2 (1) Subject to sub-paragraphs (2) and (3) below, a large shop shall not be open on Sunday for the serving of retail customers.
- (2) Sub-paragraph (1) above does not apply in relation to—
- (a) any of the shops mentioned in paragraph 3(1) below, or
 - (b) any shop in respect of which a notice under paragraph 8(1) of Schedule 2 to this Act (shops occupied by persons observing the Jewish Sabbath) has effect.
- ^{F5}(3) Sub-paragraph (1) above does not apply in relation to the opening of a large shop during any continuous period of six hours on a Sunday beginning no earlier than 10 am and ending no later than 6 pm, but this sub-paragraph has effect subject to sub-paragraph (4) below.]
- (4) The exemption conferred by sub-paragraph (3) above does not apply where the Sunday is Easter Day ^{F6}....
- ^{F7}(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).]

Textual Amendments

- F5** Sch. 1 para. 2(3) substituted (27.2.2004) by [Regulatory Reform \(Sunday Trading\) Order 2004 \(S.I. 2004/470\)](#), arts. 1(1), **2(2)(b)**
- F6** Words in Sch. 1 para. 2(4) omitted (9.12.2004) by virtue of [Christmas Day \(Trading\) Act 2004 \(c. 26\)](#), **ss. 4(2)(a)**, 6(3); S.I. 2004/3235, art. 2
- F7** Sch. 1 para. 2(5) inserted (9.12.2004) by [Christmas Day \(Trading\) Act 2004 \(c. 26\)](#), **ss. 4(2)(b)**, 6(3); S.I. 2004/3235, art. 2

Modifications etc. (not altering text)

- C1** Sch. 1 para. 2(1) excluded (19.1.1995) by S.I. 1994/3286, **art. 3**
- C2** Sch. 1 para. 2(1) excluded (22.7.2012) by [Sunday Trading \(London Olympic Games and Paralympic Games\) Act 2012 \(c. 12\)](#), **s. 1(1)(3)**, 3(1)

Exemptions

- 3 (1) The shops referred to in paragraph 2(2)(a) above are—
- (a) any shop which is at a farm and where the trade or business carried on consists wholly or mainly of the sale of produce from that farm,

Status: Point in time view as at 12/03/2015.

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- (b) any shop where the trade or business carried on consists wholly or mainly of the sale of [^{F8}alcohol],
 - (c) any shop where the trade or business carried on consists wholly or mainly of the sale of any one or more of the following—
 - (i) motor supplies and accessories, and
 - (ii) cycle supplies and accessories,
 - (d) any shop which—
 - (i) is a registered pharmacy, and
 - (ii) is not open for the retail sale of any goods other than medicinal products[^{F9}, veterinary medicinal products] and medical and surgical appliances,
 - (e) any shop at a designated airport which is situated in a part of the airport to which sub-paragraph (3) below applies,
 - (f) any shop in a railway station,
 - (g) any shop at a service area within the meaning of the ^{M2}Highways Act 1980,
 - (h) any petrol filling station,
 - (j) any shop which is not open for the retail sale of any goods other than food, stores or other necessaries required by any person for a vessel or aircraft on its arrival at, or immediately before its departure from, a port, harbour or airport, and
 - (k) any stand used for the retail sale of goods during the course of an exhibition.
- (2) In determining whether a shop falls within sub-paragraph (1)(a), (b) or (c) above, regard shall be had to the nature of the trade or business carried on there on weekdays as well as to the nature of the trade or business carried on there on Sunday.
- (3) This sub-paragraph applies to every part of a designated airport, except any part which is not ordinarily used by persons travelling by air to or from the airport.
- (4) In this paragraph “designated airport” means an airport designated for the purposes of this paragraph by an order made by the Secretary of State, as being an airport at which there appears to him to be a substantial amount of international passenger traffic.
- (5) The power to make an order under sub-paragraph (4) above shall be exercisable by statutory instrument.
- (6) Any order made under section 1(2) of the ^{M3}Shops (Airports) Act 1962 and in force at the commencement of this Schedule shall, so far as it relates to England and Wales, have effect as if made also under sub-paragraph (4) above, and may be amended or revoked as it has effect for the purposes of this paragraph by an order under sub-paragraph (4) above.

Textual Amendments

- F8** Words in Sch. 1 para. 3(1)(b) substituted (24.11.2005) by [Licensing Act 2003 \(c. 17\), s. 201\(2\), Sch. 6 para. 110\(3\)](#) (with ss. 2(3), 15(2), 195); S.I. 2005/3056, art. 2(2)
- F9** Words in Sch. 1 para. 3(1)(d)(ii) added (1.10.2006) by [The Veterinary Medicines Regulations 2006 \(S.I. 2006/2407\), reg. 1, Sch. 9 para. 9\(b\)](#) (with regs. 2(4), 3)

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Modifications etc. (not altering text)

C3 Sch. 1 para. 3(2) modified (9.12.2004) by [Christmas Day \(Trading\) Act 2004 \(c. 26\)](#), **ss. 1(4)**, 6(3); [S.I. 2004/3235](#), art. 2

Marginal Citations

M2 1980 c. 66.

M3 1962 c. 35.

Notice of proposed Sunday opening

F10⁴

Textual Amendments

F10 Sch. 1 para. 4 omitted (27.2.2004) by virtue of [Regulatory Reform \(Sunday Trading\) Order 2004 \(S.I. 2004/470\)](#), arts. 1(1), **2(2)(c)**

Register of shops

F11⁵

Textual Amendments

F11 Sch. 1 para. 5 omitted (27.2.2004) by virtue of [Regulatory Reform \(Sunday Trading\) Order 2004 \(S.I. 2004/470\)](#), arts. 1(1), **2(2)(c)**

Duty to display notice

- 6 At any time when—
- (a) a large shop is open on Sunday for the serving of retail customers, and
 - (b) the prohibition in sub-paragraph (1) of paragraph 2 above is excluded only by sub-paragraph (3) of that paragraph,
- a notice specifying [^{F12}the Sunday opening hours] shall be displayed in a conspicuous position inside and outside the shop.

Textual Amendments

F12 Words in Sch. 1 para. 6 substituted (27.2.2004) by [Regulatory Reform \(Sunday Trading\) Order 2004 \(S.I. 2004/470\)](#), arts. 1(1), **2(2)(d)**

Offences

- 7 (1) If paragraph 2(1) above is contravened in relation to a shop, the occupier of the shop shall be liable on summary conviction to [^{F13}a fine].
- (2) If paragraph 6 above is contravened in relation to a shop, the occupier of the shop shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Status: Point in time view as at 12/03/2015.

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Textual Amendments

F13 Words in Sch. 1 para. 7(1) substituted (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), reg. 1(1), [Sch. 4 para. 26](#) (with reg. 5(1))

[^{F148} Where a person is charged with having contravened paragraph 2(1) above, in relation to a large shop which was permitted to be open for the serving of retail customers on the Sunday in question, by reason of his having served a retail customer after the end of the period during which the shop is permitted to be open by virtue of paragraph 2(3) above, it shall be a defence to prove that the customer was in the shop before the end of that period and left not later than half an hour after the end of that period.]

Textual Amendments

F14 Sch. 1 para. 8 substituted (27.2.2004) by [Regulatory Reform \(Sunday Trading\) Order 2004 \(S.I. 2004/470\)](#), arts. 1(1), [2\(2\)\(e\)](#)

Transitional provision

^{F159}

Textual Amendments

F15 Sch. 1 para. 9 omitted (27.2.2004) by virtue of [Regulatory Reform \(Sunday Trading\) Order 2004 \(S.I. 2004/470\)](#), arts. 1(1), [2\(2\)\(f\)](#)

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