



Employment Rights Act 1996

1996 CHAPTER 18

PART XIV

INTERPRETATION

CHAPTER III

OTHER INTERPRETATION PROVISIONS

232 Shop workers.

- (1) In this Act “shop worker” means an employee who, under his contract of employment, is or may be required to do shop work.
- (2) In this Act “shop work” means work in or about a shop ^{F1}. . . on a day on which the shop is open for the serving of customers.
- (3) Subject to subsection (4), in this Act “shop” includes any premises where any retail trade or business is carried on.
- (4) Where premises are used mainly for purposes other than those of retail trade or business and would not (apart from subsection (3)) be regarded as a shop, only such part of the premises as—
 - (a) is used wholly or mainly for the purposes of retail trade or business, or
 - (b) is used both for the purposes of retail trade or business and for the purposes of wholesale trade and is used wholly or mainly for those two purposes considered together,is to be regarded as a shop for the purposes of this Act.
- (5) In subsection (4)(b) “wholesale trade” means the sale of goods for use or resale in the course of a business or the hire of goods for use in the course of a business.
- (6) In this section “retail trade or business” includes—
 - (a) the business of a barber or hairdresser,

Status: Point in time view as at 04/05/2016.

Changes to legislation: Employment Rights Act 1996, Section 232 is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(b) the business of hiring goods otherwise than for use in the course of a trade or business, and

(c) retail sales by auction,

but does not include catering business or the sale at theatres and places of amusement of programmes, catalogues and similar items.

(7) In subsection (6) “catering business” means—

(a) the sale of meals, refreshments or [^{F2}alcohol]^{F3}... 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 the premises;^{F4} except that in Scotland “alcohol” has the meaning given in section 2 of the Licensing (Scotland) Act 2005]

and in paragraph (a) [^{F5}“alcohol” has the same meaning as in the Licensing Act 2003].

(8) In this Act—

“notice period”, in relation to an opted-out shop worker, has the meaning given by section 41(3),

“opted-out”, in relation to a shop worker, shall be construed in accordance with section 41(1) and (2),

“opting-in notice”, in relation to a shop worker, has the meaning given by section 36(6),

“opting-out notice”, in relation to a shop worker, has the meaning given by section 40(2), and

“protected”, in relation to a shop worker, shall be construed in accordance with section 36(1) to (5).

Extent Information

- E1** S. 232, which previously extended to England and Wales only, extends to England and Wales and Scotland from 6.4.2004 by virtue of the amendment to s. 244(2) by [Sunday Working \(Scotland\) Act 2003 \(c. 18\)](#), **ss. 1(5)**, 3; S.I. 2004/958, **art. 2**

Textual Amendments

- F1** Words in s. 232(2) repealed (6.4.2004) by [Sunday Working \(Scotland\) Act 2003 \(c. 18\)](#), **s. 1(3)(a)**; S.I. 2004/958, **art. 2**
- F2** Words in s. 232(7)(a) substituted (24.11.2005) by [Licensing Act 2003 \(c. 17\)](#), ss. 198, 201, **Sch. 6 para. 114(a)** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, **art. 2(2)**
- F3** Words in s. 232(7)(a) omitted (S.) (5:00 a.m. on 1.9.2009) by virtue of [The Licensing \(Scotland\) Act 2005 \(Consequential Provisions\) Order 2009 \(S.S. I. 2009/248\)](#), art. 2(1), **Sch. 1 para. 7(a)**
- F4** Words in s. 232(7) substituted (S.) (5:00 a.m. on 1.9.2009) by [The Licensing \(Scotland\) Act 2005 \(Consequential Provisions\) Order 2009 \(S.S.I. 2009/248\)](#), art. 2(1), **Sch. 1 para. 7(b)**
- F5** Words in s. 232(7)(b) substituted (24.11.2005) by [Licensing Act 2003 \(c. 17\)](#), ss. 198, 201, **Sch. 6 para. 114(b)** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, **art. 2(2)**

Status:

Point in time view as at 04/05/2016.

Changes to legislation:

Employment Rights Act 1996, Section 232 is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.