



# Christmas Day (Trading) Act 2004

## 2004 CHAPTER 26

An Act to prohibit the opening of large shops on Christmas Day and to restrict the loading or unloading of goods at such shops on Christmas Day. [28th October 2004]

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 Christmas Day**

- (1) A large shop must not be open on Christmas Day 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 (shops exempt from restrictions on Sunday trading).
- (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 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.

(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 Loading and unloading early on Christmas Day**

- (1) Where a shop which is prohibited by section 1 from opening on Christmas Day 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 Christmas Day 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.
- (2) The provisions of paragraphs 3 to 8 of Schedule 3 to the 1994 Act shall apply in relation to consent under subsection (1) as they apply in relation to consent under that Schedule, but as if—
  - (a) the reference in paragraph 6(1) to Sunday were a reference to Christmas Day, and
  - (b) the reference in paragraph 7(a) to an offence under paragraph 9 of that Schedule were a reference to an offence under subsection (3).
- (3) A person who contravenes subsection (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) 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.
- (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.
- (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 offences under sections 1 and 2 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.

## **4 Consequential amendments**

- (1) The 1994 Act is amended as follows.
- (2) In Schedule 1 (restrictions on Sunday opening of large shops)—
  - (a) in sub-paragraph (4) of paragraph 2, omit “or Christmas Day”, and

(b) 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).”

(3) In Schedule 3 (loading and unloading at large shops on Sunday morning), after paragraph 9 insert—

“*Christmas Day*

10 Paragraph 2 does not apply where the Sunday is Christmas Day (loading and unloading at large shops on Christmas Day being regulated by section 2 of the Christmas Day (Trading) Act 2004).”

## **5 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.

## **6 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.