

Sunday Trading Act 1994 notification procedures

PUBLIC CONSULTATION on a proposal to remove by means of a Regulatory Reform Order the requirement for large shops (internal floor area of over 280 square metres) to give 14 days notice of their Sunday opening hours or any change in their Sunday opening hours to local authorities, and to remove the requirement on local authorities to maintain a register of such notifications, and to remove the restrictions on the sale of methylated spirits on a Sunday.

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Summary of Proposals

What is being consulted on?

We are consulting on two proposals:

- 1 **Proposal 1.** Under the Sunday Trading Act 1994 (the Act) large retail shops are permitted to open for a period of up to six continuous hours on a Sunday if they give prior notice to the local authority. The Act applies to England and Wales. It is proposed to reduce the burdens imposed on large shops and local authorities by the Act, by removing the notification and registration procedure for their Sunday opening hours (paragraphs 4-6 of Schedule 1 of the Act). This proposal does not change either the overall range of hours within which large shops are permitted to open or the maximum length of time they can open within that range, nor does it affect those shops which are exempt from these restrictions on Sunday opening hours. Similarly it does not change the requirement on local authorities to enforce the Act. Large shops will still be required to display their opening hours conspicuously.
- 2 **Proposal 2.** We propose to remove restrictions on the sale of methylated spirits on a Sunday imposed by section 26 of the Revenue Act 1889. The proposal to repeal section 26 will apply to England, Northern Ireland and Wales.

Why are these changes needed?

Proposal 1:-

- 3 The changes are necessary because
 - a) Large shops are required by the Act to register with their local authority if they intend to open on a Sunday, specifying the hours they wish to trade. They must also give local authorities 14 days' notice in advance of any changes to their Sunday opening hours. These requirements impose an unnecessary administrative burden.
 - b) Local authorities are obliged to maintain a register (which must be available for public inspection) of large shops that trade on a Sunday. Initial consultation with local authorities suggests that the register is never consulted and that maintaining it serves no purpose.

Proposal 2:-

- c) The changes are needed because anyone who sells methylated spirits on a Sunday is currently breaking the law and could be prosecuted for doing so. This is an obsolete piece of legislation that imposes an unnecessary restriction without serving any useful purpose.

Who will these proposals affect?

Proposal 1:-

- 4 The proposals will affect:
- a) Large shops
 - b) Local authorities
 - c) Members of the public

Proposal 2:-

The proposals will affect:

- a) Anyone who sells methylated spirits (DIY, stores etc)
- b) Consumers

What will be the financial impact of the change?

Proposal 1:-

- 5 There are about 300 local authorities in England and Wales. It is estimated that approximately 10 notifications per annum are received by each (a total of 3,000 notifications). Each notification costs both retailers and local authorities in the region of £10 to £12.50 to administer. Removing these burdens would therefore save both businesses and local authorities £30,000 to £37,500 (£60,000 to £75,000 in total) (ref. Annex E).

Proposal 2:-

- 6 There are no costs to business, but the repeal of section 26 of the Act will remove a burden on those retailers that operate in accordance with the legislation (ref. Annex F).

How will these proposals be taken forward and when will they be implemented?

- 7 We intend that both proposed changes to legislation will be made through a Regulatory Reform Order under the Regulatory Reform Act 2001. Subject to the outcome of consultation, we propose that the changes are implemented as soon as practicable.
- 8 We need to be sure that an Order does not remove any necessary protection from individuals or organisations and that it does not prevent them from exercising existing rights or freedoms that they might reasonably expect to continue to exercise.
- 9 When an Order imposes a burden, it must be desirable. It must also strike a fair balance between the public interest and the interest of those who are affected by the burden being created, and the burden must be

proportionate to the expected benefit. However we do not consider that the proposals in this consultation document impose any burdens.

Consultation

- 10 This consultation is being made in accordance with the Regulatory Reform Act 2001 (summary at Annex C) and the terms of the Government's Code of Practice on Written Consultations (Annex D).
- 11 All responses should be received by 27/06/2003.

Crynodeb o'r Cynigion

Beth yr ymgynghorir yn ei gylch?

Rydym yn ymgynghori ynghylch dau gynnig:

12 Cynnig 1. O dan Ddeddf Masnachu ar y Sul 1994 (y Ddeddf) caniateir i siopau manwerthu mawr agor am gyfnod o hyd at chwe awr ddi-dor ar y Sul os rhoddant rybudd ymlaen llaw i'r awdurdod lleol. Mae'r Ddeddf hon yn gymwys i Gymru a Lloegr. Cynigir lleihau'r beichiau a osodir ar siopau mawr ac awdurdodau lleol gan y Ddeddf drwy gael gwared â'r drefn rhybuddio a chofrestru ar gyfer eu horiau agor ar y Sul (paragraffau 4-6 o Atodlen 1 i'r Ddeddf). Nid yw'r cynigion hyn yn newid amrediad cyffredinol yr oriau y caniateir i siopau mawr agor yn eu hystod, na'r amser hwyaf y cânt agor o fewn yr amrediad hwnw, ac nid yw'n effeithio ychwaith ar y siopau hynny sydd wedi eu heithrio rhag y cyfyngiadau hynny ar oriau agor ar y Sul. Yn yr un modd, nid ydynt yn newid y rheidrwydd sydd ar awdurdodau lleol i orfodi'r Ddeddf. Bydd yn ofynnol o hyd i siopau mawr arddangos eu horiau agor mewn modd amlwg.

13 Cynnig 2. Cynigiwn ddileu'r cyfyngiadau ar werthu gwirod methyl ar y Sul, a osodwyd gan adran 26 o Ddeddf Refeniw 1889. Bydd y cynnig i ddiddymu adran 26 yn gymwys i Gymru, Lloegr a Gogledd Iwerddon.

Pam bod angen y newidiadau hyn?

Cynnig 1:-

14 Mae angen y newidiadau oherwydd

- a) Mae'r Ddeddf yn ei gwneud yn ofynnol i siopau mawr gofrestru gyda'u hawdurdod lleol os bwriadant agor ar y Sul, gan bennu'r oriau y dymunant fasnachu. Rhaid iddynt hefyd roi i awdurdodau lleol rybudd 14 diwrnod ymlaen llaw am unrhyw newid i'w horiau agor ar y Sul. Mae'r gofynion hyn yn gosod baich gweinyddol diangen.
- b) Mae awdurdodau lleol yn gorfod cadw cofrestr (y mae'n rhaid iddi fod ar gael i'w harchwilio gan y cyhoedd) o'r siopau mawr sy'n masnachu ar y Sul. Mae'r ymgynghori cynnar ag awdurdodau lleol yn awgrymu nad eir i edrych byth ar y gofrestr ac nad yw cynnal y gofrestr yn ateb unrhyw ddiben.

Cynnig 2:-

- c) Mae angen y newidiadau am fod unrhyw un sy'n gwerthu gwirod methyl ar y Sul ar hyn o bryd yn torri'r gyfraith ac yn agored i gael ei erlyn am wneud. Dyma ddarn o ddeddfwriaeth sydd wedi mynd o arfer ond sy'n gosod cyfyngiad diangen heb ateb unrhyw ddiben defnyddiol.

Ar bwy y bydd y cynigion hyn yn effeithio?

Cynnig 1:-

15 Bydd y cynigion yn effeithio ar:

- a) Siopau mawr
- b) Awdurdodau lleol
- c) Y cyhoedd

Cynnig 2:-

Bydd y cynigion yn effeithio ar:

- c) Unrhyw un sy'n gwerthu gwirod methyl (siopau hunan-ymdopi, ac ati)
- d) Defnyddwyr

Beth fydd effaith ariannol y newid?

Cynnig 1:-

16 Mae 300 o awdurdodau lleol yng Nghymru a Lloegr. Amcangyfrifir bod pob un yn derbyn rhyw 10 rhybudd y flwyddyn (cyfanswm o 3,000 o rybuddion). Mae'n costio tua £10 i £12.50 i fanwerthwyr ac awdurdodau lleol weinyddu pob rhybudd. Felly, byddai dileu'r beichiau hyn yn arbed £30,000 i £37,500 i fusnesau ac awdurdodau lleol (£60,000 i £75,000 i gyd) (cyf. Atodiad E).

Cynnig 2:-

17 Nid oes cost i fyd busnes, ond o ddiddymu adran 26 o'r Ddeddf byddid yn cael gwared â baich ar y manwerthwyr hynny sy'n gweithredu yn unol â'r ddeddfwriaeth (cyf. Atodiad F).

Sut yr eir ymlaen â'r cynigion hyn a pha bryd y cânt eu gweithredu?

18 Bwriadwn wneud y ddau newid arfaethedig i'r ddeddfwriaeth drwy gyfrwng Gorchymyn Diwygio Rheoleiddiol o dan Ddeddf Diwygio Rheoleiddiol 2001. Gan ddibynnu ar ganlyniad yr ymgynghori, cynigiwn weithredu'r newidiadau mor fuan ag y bydd hynny'n ymarferol.

19 Mae eisiau inni fod yn siŵr nad yw Gorchymyn yn cael gwared ag unrhyw ddiogelu angenrheidiol a fwynheir gan unigolion neu gyrff ac nad yw'n eu hatal rhag arfer hawliau neu ryddid presennol y gallent ddisgwyl yn rhesymol gael parhau i'w harfer.

20 Lle bo Gorchymyn yn gosod baich, rhaid i hwnnw fod yn rhywbeth i'w ddymuno. Rhaid iddo hefyd daro cydbwysedd rhwng lles y cyhoedd a lles y rhai yr effeithir arnynt gan y baich a gaiff ei greu, a rhaid i'r baich fod yn

gymesur â'r fantais ddisgwyliedig. Ni chredwn, fodd bynnag, fod cynigion y ddogfen ymgynghori hon yn gorfodi unrhyw feichiau.

Ymgynghori

- 21 Trefnir yr ymgynghori hwn yn unol â Deddf Diwygio Rheoleiddiol 2001 (crynodeb yn Atodiad C) a thelerau Cod Ymarfer y Llywodraeth ar Ymgynghori Ysgrifenedig (Atodiad D).
- 22 Dylai pob ymateb ddod i law erbyn 27/06/2003.

Introduction

- 23 This consultation paper sets out the Government's proposal for removing the notification procedure for Sunday opening hours by large shops and the requirement for local authorities to maintain a register of notifications (proposal 1). These requirements are contained in the Sunday Trading Act 1994 (which applies to England and Wales).
- 24 This consultation paper also sets out the Government's proposal for removing the prohibition on the sale of methylated spirits on a Sunday so far as England, Wales and Northern Ireland are concerned (proposal 2). This is contained in section 26 of the Revenue Act 1889.
- 25 We propose to introduce the reform by means of a Regulatory Reform Order under the Regulatory Reform Act 2001. This consultation is being conducted in accordance with section 5 of the Act. Views are invited on all aspects of the Consultation paper, and a number of specific questions are set out at Annex B.

Proposal 1: The Sunday Trading Act 1994

- 26 The Act requires large shops (with an internal area of over 280 square metres) to notify local authorities 14 days before commencing opening on Sundays, or 14 days in advance of any change in those opening hours, stating the intended hours of opening within the limit of six continuous hours between 10.00am and 6.00pm. Notices must also be displayed, both within and outside those shops, stating the permitted hours of Sunday opening. Local authorities are required to maintain registers of notified Sunday opening hours and make them available for inspection by members of the public. Local authorities are also responsible for enforcing the Act.
- 27 These proposals do not change the range of hours within which shops are permitted to open or the maximum number of hours within that range that an individual shop can open; nor do they affect which shops can open. Similarly they do not change the requirement on local authorities to enforce the Act. Large retail shops will still be required to display their Sunday opening hours conspicuously.
- 28 These proposals would remove the administrative burden imposed on large shops of notifying local authorities of their intended Sunday opening hours, or of any change in the notified opening hours. They would also remove the burden imposed by the requirement of 14 days' notice before a shop may open on Sunday or change its opening hours.

29 The proposals would also remove the administrative burden imposed on local authorities of maintaining the register of notifications.

Proposal 2: section 26 of the Revenue Act 1889

30 This proposal aims to repeal section 26 of the Revenue Act 1889 that prohibits the sale of methylated spirits on a Sunday in so far as it applies to England, Wales and Northern Ireland. Repeal of the legislation in Scotland is a matter for the Scottish Parliament.

31 This piece of legislation is out-dated and Customs, who are the authority most likely to bring a prosecution under this legislation, have no knowledge of any prosecutions taking place in recent years.

32 The continued existence of this legislation has led to confusion amongst both retailers and consumers. Many retailers appear to operate without regard to the legislation, leaving traders who abide by it at a competitive disadvantage. This proposal will lift the restrictions on retailers who are complying with the law, and level the playing field with those retailers who are not.

33 The proposal will mean that businesses will no longer be breaking the law if they sell methylated spirits on a Sunday and members of the public will be able to buy methylated spirits on a Sunday from any suitable shop.

Regulatory Reform Order Requirements

34 Each proposal for a Regulatory Reform Order must satisfy a number of legal tests. The questions in this document are designed to elicit the information that the Minister will need in order to satisfy the Committees that, among other things, the proposal satisfies these tests. In particular, the Regulatory Reform Act requires information on:

- What legal burdens are being removed or reduced;
- whether any of the proposals could remove any necessary protection and if so how that protection is to be continued;
- whether any of the proposals could prevent any person from continuing to exercise any right or freedom which he might reasonably expect to continue to exercise and, if so, how he is to be enabled to continue to exercise that right or freedom;
- whether any of the proposals would create any burdens affecting any persons in the carrying out of an activity and if so whether the safeguards of proportionality, fair balance and desirability are satisfied;
- whether any savings or increases in cost are estimated to result from the proposals and, if so,
 - a) the reasons why savings or increases in cost should be expected, and

- b) if it is practicable to make an estimate of the amount, that amount and how it is calculated,
- c) any benefits (other than savings in cost) which are expected to flow from the implementation of the proposals.

35 For this reason, we would particularly welcome your views on how each aspect of the proposed changes in this consultation document meets the following tests:

- **Necessary protection** - the Minister making a Regulatory Reform Order must be of the opinion that it does not remove any necessary protection. This means that no order can be made unless the Minister is of the opinion that it would maintain any protections that the Minister considers to be necessary. Such protection relates to the checks and balances associated with a particular regulatory regime. The protection does not have to be statutory in nature and does not have to be for the purposes originally intended by Parliament. If the Minister considers a particular protection to be no longer necessary, he or she must provide the Parliamentary scrutiny committees with compelling evidence to support this view.
- **Rights and freedoms** - an RRO cannot be made unless the Minister is satisfied that it does not prevent any person from continuing to exercise any right or freedom which he might reasonably expect to continue to enjoy. This test recognises that there are certain rights that it would not be right to take away from people under these procedures.

Other safeguards

36 In order to provide for the effective reform of regulatory regimes, RROs can re-state existing burdens and create new burdens. But where that is the case stringent additional safeguards apply:

- **proportionality** - if a new burden is being imposed, or an existing burden retained or increased, then the Minister must ensure that it is proportionate to the benefit it brings. This means, for example, that imposing a burden of several thousand pounds on charities for some negligible benefit would not pass the test.
- **fair balance** - before proposing any RRO that has the effect of imposing burdens, the Minister must be of the opinion that a fair balance is being struck between the interests of the person affected by the burden being created and the public interest. In this context, fairness does not mean that everyone must benefit. What it does mean is that the benefit to the public interest must be such as to justify the additional burden on a small group or the individual.

- **desirability** - the Minister making a Regulatory Reform Order which imposes a burden must also be of the opinion that the extent to which it removes burdens or brings other benefits to persons affected by the burdens imposed by the existing law makes the Order as a whole desirable.

Consultation

37 The Act requires Departments to consult widely on regulatory reform proposals. It requires us to collect evidence on a number of issues from a wide range of consultees. A list of consultees, including the devolved administrations, can be found at Annex A. The complete consultation document is available on the Internet at:

<http://www.dti.gov.uk/ccp/consultations.htm>

<http://www.cabinet-office.gov.uk/regulation/act/condocs.htm>; and

<http://www.ukonline.gov.uk/>

38 The Parliamentary Committees who will deal with orders under the Regulatory Reform Act have requested that a note explaining the Parliamentary process for orders to be made under the Act be annexed to all consultation papers so that consultees understand when and to whom they are able to put their views, should they wish to do so. This is set out in Annex C.

39 This consultation document follows the format recommended by the Cabinet Office for such proposals. The criteria applicable to all UK public consultations under the Cabinet Office Code of Practice on Consultation are set out in Annex D.

How to respond

40 Comments are invited from all interested parties, and not just from those to whom the document has been sent. A response form is at Annex B.

Please be aware that any e-mail response sent from a corporate system may carry an automatically generated notice stating that the content of the message should be treated as confidential. Where you do not wish your views to be treated as confidential, please make it clear that such an automatically generated message does not apply.

Disclosure of responses

41 Normal practice is for details of representations received in response to this consultation document to be disclosed, and for respondents to be identified. While the Act provides for non-disclosure of representations, the Minister is required to include the names of all respondents in the list

submitted to Parliament alongside the draft Order. You should note that:

- If you request that your representation is not disclosed, the Minister will not be able to disclose the contents of your representation without your express consent and, if the representation concerns a third party, their consent too. Alternatively, the Minister may disclose the content of your representation but only in such a way as to anonymise it.
- In any case where your representation concerns information that may be damaging to the interests of a third party, the Minister is not obliged to pass it on to Parliament if he does not believe it to be true or he is unable to obtain the consent of the third party.

42 Please identify any information which you or any other party involved do not wish to be disclosed.

43 You should note that the Scrutiny Committees will be able to request sight of your representation as originally submitted. We envisage that this provision will only be used rarely and on an exceptional basis.

44 Comments should be sent by 27/06/2003 at the latest to

Miss R Pathan
Department of Trade and Industry
Better Regulation Team
Bay 609
1 Victoria Street
London
SW1H 0ET

Telephone: 020 7215 2186
Fax: 020 7215 2837
E-mail: sundaytrading@dti.gsi.gov.uk

from whom printed copies of the document can be requested.

Representative groups are asked to provide a summary of the people and organisations they represent when they respond.

Proposal 1

Background

- 45 Prior to the Sunday Trading Act 1994 (the 1994 Act), shop opening hours were regulated under the Shops Act 1950. The Law was considered contradictory and was widely ignored. As a result of concerns about this situation, extensive consultation across a wide range of interests led to the the1994 Act.
- 46 Under the provisions of the 1994 Act restrictions on Sunday opening times are imposed. Under the 1994 Act, large shops (those having an internal floor area over 280 square metres) are restricted to a maximum of six hours' continuous trading between 10am and 6pm on a Sunday. The 1994 Act was considered to provide a reasonable compromise between those supporting unlimited opening of all shops and those totally opposed to all trade on Sundays.
- 47 Certain large shops can open on a Sunday without restriction, including farm shops, off-licences, motor and cycle suppliers, pharmacies, petrol-filling stations, shops at airports, railway stations and those supplying stores for vessels and aircrafts on arrival and departure and stands selling at exhibitions.
- 48 Large shops which are occupied by persons who observe the Jewish Sabbath can register with their local authorities in which case their Sunday opening hours are not restricted under the 1994 Act. In essence this means that if a large shop closes on Saturdays to observe the Jewish Sabbath, it can open without restrictions on Sundays.
- 49 The 1994 Act also provides that large shops cannot open on Easter Sunday or on Christmas day when it falls on a Sunday.
- 50 Small shops (not larger than 280 square metres) are exempted from the provisions of the 1994 Act and can open on Sundays without restriction.

The Proposals

- 51 The objective of the proposal to reform the Sunday Trading Act 1994 is to remove the administrative burden imposed on large shops of notifying local authorities in advance of their intended opening hours on Sundays, or of any change in their intended Sunday opening hours; and to remove the burden on local authorities of maintaining the register of notifications and making it available for inspection by members of the public. This will be done by amending paragraphs 4-6 of Schedule 1 of the 1994 Act.

- 52 These proposals would benefit large businesses by reducing their administrative costs and would benefit local authorities by releasing resources to do other work.
- 53 We have obtained the views of business, consumer and local government representatives on the proposal. All consider current procedures to be a minor burden but unnecessary “red tape”. A summary of this pre-consultation is contained in Annex G.
- 54 The proposed reforms will not impose or re-state any additional burdens, and there will be no need for any transitional changes.

Analysis

Removal of burdens

- 55 The requirements of advance notification and maintenance of a register of notifications described above are burdens within the meaning of the Regulatory Reform Act 2001. The proposal to remove these requirements is the removal of a burden within the meaning of the 2001 Act.

Necessary protections

- 56 The proposals would produce a theoretical disadvantage for consumers in terms of the loss of the right to inspect the register of notifications. However, in practice instances of these inspections are thought to be rare or non-existent and it is assumed at this stage that no consumer detriment would arise as a result of the proposal. Pre-consultation across a number of local authorities in England and Wales revealed that requests from the public to inspect the registers of notifications had never materialised as provided by the 1994 Act. It is not known whether this is because the public are unaware of its existence. Whether or not this is the case, there is clearly every incentive for retailers to publicise their opening hours, and it is not thought that the theoretical loss of this amenity is of any significance. However, we welcome comments on this. Large shops are currently required by the Act to display their Sunday opening hours and this will not change.
- 57 Local authorities are responsible for enforcement of the Act and will continue to have this responsibility. It is important that the provisions made under the Act can be effectively enforced. For this reason large shops will still be required to display their hours of trading on Sunday conspicuously both inside and outside their shop as at present. Initial consultation suggests that this will provide adequate protection from shops flouting the law by trading illegally on a Sunday. We do not believe that the recommended change will remove any necessary protections but we would nevertheless value your opinion on whether this is so.

Rights and freedoms

58 As already noted above the proposals will take away the right of members of the public to consult the register held by local authorities. However, since it appears that the public do not ask to view the register, the loss of this right is thought to be of negligible significance. The Government will of course review the position in the light of responses to this Consultation Document. We do not believe that the recommended change will prevent anyone from continuing to exercise any existing right or freedom which they might reasonably expect to continue to exercise, but we would nevertheless value your opinion on whether this is so

Costs and savings

59 The costs and savings of the proposals are set out in detail in the Partial Regulatory Impact Assessment at Annex E. We expect that removing these burdens would save both businesses and local authorities £30,000 to £37,500 (£60,000 to £75,000 in total).

Burdens

60 It is the Government's opinion that no burdens are imposed or re-enacted by these proposed reforms, but we welcome comments on this.

PROPOSAL 2

BACKGROUND

- 61 Section 26 of the Revenue Act 1889 (the 1889 Act) prohibits the sale of methylated spirits between the hours of 10pm on a Saturday and 8am the following Monday. We are aware, through Ministerial correspondence, that some members of the public have attempted to buy methylated spirits but have been refused because it was a Sunday.
- 62 Section 26 of the 1889 Act formed part of the control system that applied to licensed retailers of methylated spirits. At the time a retail excise licence was needed to sell methylated spirits at a cost of ten shillings per annum. Since the end of retail excise licences in the 1960s, there is no longer any revenue implication for keeping the provisions contained in section 26 of the 1889 Act. Its only role has been to support the social law in its restrictions on Sunday trading. However, the introduction of the Sunday Trading Act 1994 made this last remaining function obsolete.
- 63 The continued existence of this legislation was identified when a member of the public wrote to the Prime Minister to express his amazement that such a law existed and to ask for it to be abolished. A Member of Parliament has also lobbied for repeal of this legislation on behalf of one of his constituents. A major DIY chain has also contacted the Better Regulation Team in the Cabinet Office to point out that this legislation is now obsolete and should be repealed.
- 64 Customs and Excise have already consulted on this specific proposal in October 2000 with the British Retail Consortium, Royal Pharmaceutical Society and the National Pharmaceutical Association who have all confirmed that they support repeal.

THE PROPOSALS

- 65 Whilst we are aware that the majority of retailers ignore section 26 its continued existence means some retailers refuse to sell methylated spirits to their customers on a Sunday. This has led to confusion for consumers and left traders who abide by the law at a competitive disadvantage. This proposal will lift the restrictions on retailers who are complying with the law, and level the playing field with those retailers who are not.

- 66 Although no savings will result from this proposal it will remove unnecessary regulatory burdens on business.
- 67 This proposal will also benefit the consumer who will have the freedom to buy methylated spirits on a Sunday.
- 68 The proposal will repeal section 26 in so far as it applies to England, Wales and Northern Ireland. (Section 26 cannot be repealed in Scotland by means of a Regulatory Reform Order. Therefore repeal in Scotland will be progressed separately).
- 69 The repeal of this section will not create or re-state any legal burdens. No supplemental, incidental or transitional changes will be created.

ANALYSIS

Removal of burdens

- 70 The prohibition on sales of methylated spirits on a Sunday is a burden within the meaning of the Regulatory Reform Act 2001. The proposal to remove this prohibition is the removal of a burden within the meaning of the 2001 Act.

Necessary protections

- 71 We do not believe that the proposed change will remove any necessary protections but we would value your opinion on whether this is so.

Rights and freedoms

- 72 The removal of this legislation will allow businesses the freedom to sell methylated spirits on a Sunday without fear of prosecution. It will also ensure that consumers have the freedom to obtain methylated spirits on a Sunday from any suitable shop. We do not believe that the recommended change will prevent anyone from continuing to exercise any existing right or freedom which they might reasonably expect to continue to exercise, but we would nevertheless value your opinion on whether this is so.

Burdens

- 73 It is the Government's opinion that no burdens are imposed or re-enacted by these proposed reforms, but we welcome comments on this.

Costs and savings

- 74 We do not believe that the recommended changes will lead to any costs or savings but we value your opinion on whether this is so.

ANNEX A: LIST OF CONSULTEES

Retailers and retail organisations

Adams Childrenswear Ltd.
Advertising Association
Aldi Stores Ltd
Alexon Group PLC
Alldays PLC
Alders PLC
Alliance Unichem
Allied Carpets Group PLC
Allsports (Retail) PLC
Alpha Travel Retail
Arcadia Group
Argos Retail Group
Asda Group Ltd
Association of Convenience Stores Limited
Austin Reed Group PLC
Bargain Booze Ltd
Beale PLC
Bentalls PLC
BHS
Blockbuster Entertainment Ltd
Body Shop International PLC
Booksellers Association of Great Britain
Boots Company PLC
Box Clever Group
British Beer & Pub Association
Brown & Jackson PLC/
Poundstretcher
BT
Budgens PLC
C&J Clark
Carpetright PLC
Carphone Warehouse Group PLC
Cellar 5
Co-operative Group Ltd
Courts PLC
Debenhams PLC
DFS PLC
Dixons Group PLC
Dolland & Aitchison Ltd
Dunnes Stores
Early Learning Centre Ltd
Etam PLC
Fads Holdings
Farmfoods Ltd
Fenwick Ltd
First Quench Retailing Ltd
Focus Wickes PLC
Furniture Village PLC
Furnitureland Ltd
Gap
Greene King Brewing & Retail Limited
H&M Hennes Ltd
Habitat (UK) Ltd
Halfords Limited
Harrods Limited
Harvey Nichols Group PLC
HMV Media Group PLC
Homebase Ltd
Homestyle Group PLC
House of Frazer PLC
Hughes Electrical
IBM UK Limited
Iceland Group PLC
Ikea Ltd
J Sainsbury PLC
James Beattie PLC
JD Sports PLC
JD Wetherspoon PLC
Jessops PLC
Jewson Ltd
JH Leeke
JJB Sports PLC
John Lewis Partnership PLC
John Menzies PLC
Kingfisher PLC
Laura Ashley Holdings PLC
Liberty PLC
Lidl & Schwarz
Littlewoods
Magnet Ltd
Maplin Electronics PLC
Marks & Spencer PLC
Matalan PLC
MFI Furniture Group PLC
Millets/ Black Leisure
Moss Bros Group PLC
Mothercare PLC
N Brown PLC
National Magazines
Netto Foodstores

New Look Group PLC
Next PLC
NP PLC
Office World
Oldrid & Co. Ltd
Orange Retail Ltd
Peacock Group PLC
Pets At Home Group Ltd
PowerHouse Holdings Ltd
Primark Stores Ltd
RAC Motoring Services
River Island Clothing Company Ltd
Robert Dyas
RS Group of Companies
Safeway PLC
Scottish Grocers Federation
Selfridges PLC
Service Point UK
Shell UK Limited
Signet Group PLC
Somerfield PLC
Spar (UK) Ltd
Specsavers Optical Group
Sports Soccer Ltd
Staples (UK) Ltd
Stylo PLC
Superdrug PLC
T&S Stores PLC
Tesco PLC
The Boots Company PLC
The Disney Store
The Games Store Group
The Sidmouth Florist
Time Group PLC
TK Maxx
TM Group Holdings PLC
T-Mobile
Topps Tiles PLC
Tower Records
Toys'R'Us Ltd
ToyZone Limited
Trading Computer Services Limited
Trago Mills Group
Virgin Retail
Vision Express (UK) Ltd
Vodafone Retail Ltd
Warner Brothers Studio Stores Ltd
WH Smith PLC
Wilkinson Hardware Stores Ltd
Wm Morrison Supermarkets PLC

Woolsworths PLC
Yorkshire Electricity

Other consultees

Alcohol Concern
Alliance of Independent Retailers
Association of Chief Police Officers
Association of Police Authorities
Barnsley Business Link
Board of Deputies of British Jews
Bristol City Council
British Retail Consortium
Centre for Commercial Law Studies
Chamber of Wales C/o Cardiff
Chamber of Commerce
Chartered Institute of Marketing
City & County of Swansea
Community Enterprise Wales
Confederation of British Industry
Consumers' Association
Department of Enterprise, Trade & Investment (Northern Ireland)
Derbyshire Business Link
Direct Marketing Association (UK) Limited
Federation of Small Business (Wales)
Federation of Small Businesses
Gloucestershire Business Link
Greater Nottingham Business Link
Highlands & Islands Enterprise
HM Treasury
Institute of Consumer Affairs
Institute of Directors
Interfaith Relations
Keep Sunday Special
Leicester Business Link
Liverpool City Council
Local Authorities Co-ordinators of Regulatory Services
Local Government Association
Manchester City Council
Metropolitan Police Federation
National Association of Citizens Advice Bureaux
National Consumer Council
National Consumers Federation

National Pharmaceutical
Association
National Secular Society
Newport City Council
Nuneaton and Bedworth Local
Authorities
Office of Fair Trading
Pinsent Curtis Biddle
Police Federation of England and
Wales
De Montfort University
Rochdale Business Link
Royal Horticultural Society
Royal Pharmaceutical Society of
Great Britain
Scottish Consumer Council
Scottish Enterprise
Scottish Executive

St John's Innovation Centre
Surrey Business Link
The British Chambers of
Commerce
The British Institute of Innkeeping
The Law Commission
Trading Standards Institute
Union of Welsh Independents
University of Sheffield
Usdaw
Wales Co-operative Centre Limited
Wales Social Partners Unit
Wales TUC Cymru
Welsh Assembly Government
Welsh Consumer Council
York & North Yorkshire Business
Link

ANNEX B: RESPONSE FORM

Respondent Details	Please return by 27 June 2003
Name: Organisation: Address: Postcode: Telephone: Fax: email:	Miss R Pathan Department of Trade and Industry Better Regulation Team, Consumer & Competition Policy V609 1 Victoria Street London SW1H 0ET Tel: 020-7215 2186 Fax: 020-7215 2837 email: sundaytrading@dti.gsi.gov.uk

If you are replying on behalf of a representative group please summarise the people or organisations your group represents:

Tick this box if you are requesting non-disclosure of your response:

Consultees are invited to give reasons for their answers.

1. **Proposal 1:** Are you in favour of removing the requirement on large shops to notify Local Authority of their opening hours?

Yes No Don't know

Comment:

2. Proposal 1: Are you in favour of abolishing the register of notifications?

Yes No Don't know

Comment:

3. Proposal 2: Are you in favour of removing the restrictions on the sale of methylated spirits on a Sunday?

Yes No Don't know

Comment:

4. If the reforms were implemented, would you expect to have an increase or reduction in costs? By how much would you expect your costs to change per year?

Increase Reduction No Change

Comment

Proposal 1:

Proposal 2:

5. Are there any other benefits that would be gained from these proposals?

Comment:

Proposal 1:

Proposal 2:

6. In your opinion, what are the potential disadvantages that might arise from these proposals?

Comment:

Proposal 1:

Proposal 2:

7. **Proposal 1 - Question to be answered by retailers only:** How many times were you required to notify local authority per year of your Sunday opening hours or any change in those hours?

Comment:

8. **Proposal 1 - Question to be answered by Local Authorities only:** How many notifications per year have you received?

Comment:

9. Do proposals 1 and 2 put forward in this consultation exercise maintain necessary protections for those affected?

Comment

Proposal 1:

Proposal 2:

10. Do proposals 1 and 2 put forward in this consultation exercise prevent any person from continuing to exercise any right or freedom that he/she might reasonably expect to continue to exercise?

Comment

Proposal 1:

Proposal 2:

11. Do proposal 1 and 2 put forward in this consultation exercise impose or re-enact any burdens on those affected?

Comment

Proposal 1:

Proposal 2:

12. Any other comments on proposals 1 and 2 put forward in this consultation exercise:

Comment

Proposal 1:

Proposal 2:

ANNEX C:

Regulatory Reform Proposals and Orders – Parliamentary Consideration

1. These reform proposals in relation to the Sunday Trading Act 1994 will require changes to primary legislation in order to give effect to them. The Minister could achieve these changes by introducing a Regulatory Reform Order under the Regulatory Reform Act 2001. Regulatory Reform Orders are subject to preliminary consultation and to extended Parliamentary scrutiny (by Committees in each House of Parliament) of any subsequently proposed Order. On that basis, the Minister invites comments on these reform proposals as measures that might be carried forward by a Regulatory Reform Order.

Regulatory reform proposals

2. This consultation document has been produced because the starting point for regulatory reform proposals is thorough and effective consultation with interested parties. In undertaking this preliminary consultation, the Minister is expected to seek out actively the views of those concerned, including those who may be adversely affected, and then to demonstrate to the Scrutiny Committees that he or she has addressed those concerns.
3. Following the consultation exercise, when the Minister lays proposals before Parliament under the Regulatory Reform Act, he or she must also lay a report for consideration by the Scrutiny Committees setting out a summary of:
 - the burden imposed by the existing law;
 - whether any of those burdens are proposed to be removed or reduced;
 - how the proposals otherwise further the other objects of the Regulatory Reform Act (re-enacting proportionate burdens, introducing new but proportionate burdens, removing inconsistencies and anomalies);
 - whether there is ‘necessary protection’ and how it is to be continued;
 - how any reasonable expectation of the exercise of rights or freedoms is affected (if at all) and how the exercise can be continued;
 - how new burdens (if any) are both proportionate and, taking the proposals as a whole, strike a fair balance between the public interest and the interests of the persons affected by the new burdens;
 - whether an Order that imposes burdens is desirable in terms either of the burdens it removes or the other benefits it brings;
 - whether any parts of the proposed Order are being designated as ‘subordinate provisions’, allowing them to be changed by less elaborate Parliamentary procedures in the future;
 - what cost savings or increases are expected, and why;
 - what other benefits there will be from the proposals;

- details of the consultation process;
 - any representations received as a result of that consultation; and
 - the changes made as a result.
4. On the day the Minister lays the proposals and report, the period for Parliamentary consideration begins. It lasts for 60 days, excluding Parliamentary recesses of more than four days. If you want a copy of the proposals and the Minister's report, you will be able to get them either from the Government department concerned or by visiting the Cabinet Office's website at www.cabinet-office.gov.uk/regulation/act/index.htm.

Parliamentary scrutiny

5. Both Houses of Parliament scrutinise regulatory reform proposals and draft orders. This is done by the Scrutiny Committees.
6. Standing Orders in the Commons stipulate that the Committee there considers whether proposals:
- (a) appear to make an inappropriate use of delegated legislation;
 - (b) remove or reduce a burden or the authorisation or requirement of a burden;
 - (c) continue any necessary protection;
 - (d) have been the subject of, and take appropriate account of, adequate consultation;
 - (e) impose a charge on the public revenues or contain provisions requiring payments to be made to the Exchequer or any government department or to any local or public authority in consideration of any licence or consent or of any services to be rendered, or prescribe the amount of any such charge or payment;
 - (f) purport to have retrospective effect;
 - (g) give rise to doubts whether they are *intra vires*;
 - (h) require elucidation, are not written in plain English, or appear to be defectively drafted; or
 - (i) appear to be incompatible with any obligation resulting from membership of the European Union;
 - (j) prevent any person from continuing to exercise any right or freedom which he might reasonably expect to continue to exercise;
 - (k) satisfy the conditions of proportionality between burdens and benefits set out in sections 1 and 3 of the Act;
 - (l) satisfy the test of desirability set out in section 3(2)(b) of the Act;
 - (m) have been the subject of, and take appropriate account of, estimates of increases or reductions in costs or other benefits which may result from their implementation; or

- (n) include provisions to be designated in the draft order as subordinate provisions; and in the case of the latter consideration the committee shall report its opinion whether such a designation should be made, and to what parliamentary proceedings any subordinate provisions orders should be subject.
7. The Committee in the House of Lords will consider each proposal in terms of similar criteria, although these are not laid down in Standing Orders.
 8. Each Committee might take oral or written evidence to help it decide these matters, and each Committee could then be expected to report:
 - whether the Minister should proceed to lay a draft order in the same terms as the original proposal, or
 - whether amendment is necessary, or
 - whether the order-making power should not be used (for example, because of the significance or sensitivity of the proposal).
 9. Copies of Committee Reports, as Parliamentary papers, can be obtained through HMSO. They are also available on the Parliament website at:
 - http://www.parliament.uk/parliamentary_committees/regulatory_reform_committee.cfm for the Regulatory Reform Committee in the Commons; and
 - <http://www.parliament.the-stationery-office.co.uk/pa/ld/lddereg.htm> for the Delegated Powers and Regulatory Reform Committee in the Lords.
 10. After the 60 days for Parliamentary consideration, the Minister can lay a draft order before both Houses, this time for the approval of Parliament.
 11. Each of the Scrutiny Committees examines the draft order to see how far its views have been taken into account. They report, within 15 sitting days, whether the draft order should be approved or not, and it would then be for the relevant House itself to take its final decision.
 12. The final draft order then has to be approved by both Houses of Parliament before becoming law.

How to make your views known

13. Responding to this consultation document is your first and main opportunity to make your views known to the relevant department as part of the consultation process. You should send your views to the person named in the consultation document. When the Minister lays proposals before Parliament you are welcome to put your views before either or both of the Scrutiny Committees.
14. In the first instance, this should be in writing. The Committees will normally decide on the basis of written submissions whether to take oral evidence.

15. Your submission should be as concise as possible, and should focus on one or more of the criteria listed in paragraph 6 above.

16. The Scrutiny Committees appointed to scrutinise Regulatory Reform

Orders can be contacted at:

Delegated Powers and
Regulatory Reform Committee
House of Lords
London
SW1A 0PW
Tel: 020-7219 3103
Fax: 020-7219 2571
email: DPDC@parliament.uk

Regulatory Reform Committee
House of Commons
7 Millbank
London
SW1P 3JA
Tel: 020-7219 2833/2837
Fax: 020-7219 2509
email: regrefcom@parliament.uk

Non-disclosure of responses

17. Section 7 of the Act provides what should happen when someone responding to the consultation exercise on a proposed order requests that their response should not be disclosed.

18. The name of the person who has made representations will always be disclosed to Parliament. If you ask for your representation not to be disclosed, the Minister should not disclose the content of that representation without your express consent and, if the representation relates to a third party, their consent too. Alternatively, the Minister may disclose the content of the representation in such a way as to preserve your anonymity and that of any third party involved.

Information about third parties

19. If you give information about a third party which the Minister believes may be damaging to the interests of that third party, the Minister does not have to pass on such information to Parliament if he does not believe it is true or he is unable to obtain the consent of the third party to disclosure. This applies whether or not you ask for your representation not to be disclosed.

20. The Scrutiny Committees may, however, be given access on request to all representations as originally submitted, as a safeguard against improper influence being brought to bear on Ministers in their formulation of regulatory reform orders.

ANNEX D – CONSULTATION CRITERIA

The criteria in the Code of Practice on Written Consultation issued by the Cabinet Office is as follows:

- A Timing of consultation should be built into the planning process for a policy or service from the start, so that it has the best prospect of improving the proposals concerned, and so that sufficient time is left for it at each stage.
- B It should be clear who is being consulted, about what questions, in what timescale and for what purpose.
- C A consultation document should be as simple and concise as possible. It should include a summary, in two pages at most, of the main questions it seeks views on. It should make it as easy as possible for readers to respond, make contact or complain.
- D Documents should be made widely available, with the fullest use of electronic means (though not to the exclusion of others), and effectively drawn to the attention of all interested groups and individuals.
- E Sufficient time should be allowed for considered responses from all groups with an interest. Twelve weeks should be the standard minimum period for a consultation.
- F Responses should be carefully and open-mindedly analysed, and the results made widely available, with an account of the views expressed, and reasons for decisions finally taken.
- G Departments should monitor and evaluate consultations, designating a consultation co-ordinator who will ensure the lessons are disseminated.

The complete Code is available on the Cabinet Office's website, at <http://www.cabinet-office.gov.uk/servicefirst/index/consultation.htm>

Comments or complaints

If you wish to comment on the conduct of this consultation or make a complaint about the way this consultation has been conducted, please write to Mr Philip Martin, DTI Consultation Co-ordinator, Room 564, 1 Victoria Street, London SW1H 0ET, or telephone him on 020 7215 6206, or e-mail <mailto:philip.martin@dti.gsi.gov.uk>

ANNEX E: PARTIAL REGULATORY IMPACT ASSESSMENT

Proposal 1: Sunday Trading Act 1994

Issue and Objective:

1 The proposed Regulatory Reform Order (RRO) would remove the requirements of paragraphs 4-6 of Schedule 1 of the Sunday Trading Act 1994 for the notification and registration of the Sunday opening hours of large shops in England and Wales. Under the Act, large shops (as defined and with certain exceptions) must notify local authorities two weeks before commencing opening on Sundays, or two weeks before varying those opening hours, stating the intended hours of opening within the limits specified by the Act (up to six continuous hours between 10.00am and 18.00pm). Notices must also be displayed, both within and outside those shops, stating the hours that have been notified. Local authorities, for their part, must maintain registers of notified Sunday opening hours and keep them available for inspection by members of the public. They must also enforce the Act, which also prohibits large shops from opening on Easter day or on Christmas Day when it falls on a Sunday.

2. No estimate is currently available of the number of "large" shops in England and Wales (defined as having an internal floor area, used for serving customers or displaying goods, over 280 square metres), which open on Sundays and are therefore required to register their Sunday opening hours with local authorities. The scale of the burden on large shops and local authorities is, however, assessed under "Costs and benefits" below.

3. The objective of this proposal is to reduce the burden on large businesses of notifying local authorities of their Sunday opening hours and local authorities will not be required to maintain a notification register.

Risk Assessment

4. There is no perceived hazard to health, safety or welfare in removing the notification and registration procedure.

Options

5. Two options have been identified.

Option 1: Do nothing

Option 2: Remove the administrative burden imposed on business of notifying their hours of opening on Sunday and local authorities of maintaining the notification register.

Equity and Fairness

6. The proposal would bring equity and fairness to the retail sector by removing a requirement from large shops that does not apply to small shops.

Costs and benefits

7. Option 1 - The 'no change' option would not cause any implementation or policy costs. It would not, however, allow any potential benefits to be realised.

8. Option 2 - The notification and registration procedure involves retailers and local authorities in the administrative work of sending and receiving notifications of Sunday opening hours. This includes letter-writing, receiving, opening, reading, allocation, distribution, acknowledgment, filing and storage, stationery, postage, maintaining registers by local authorities for possible viewing, and the necessary actions in the event of a viewing request. Leaving aside the costs to large shops of displaying the Sunday opening hours that have been notified to local authorities (a requirement under the Act which is to continue) and the costs to local authorities of public viewings of registers (because no such instances have so far been identified) it is necessary to assess the other costs incurred.

9. Initial discussions with several consultees suggest that the administrative costs, for both retailers and local authorities, are in the region of £10 to £12.50 per letter. On a rough estimate of 10 notifications per annum across approximately 300 local authorities in England and Wales, this produces a total of 3,000 notifications costing both retailers and local authorities £30,000 to £37,500 or an annual grand total of £60,000 to £75,000. Local authorities spend approximately half an hour per month on administration time in maintaining the register.

Consultation with small business: “The Small Firms Impact Test”

10. The proposal would not affect small businesses. Under the Sunday Trading Act 1994, small shops are free to trade at any time on Sundays. Initial discussions with representatives from small retailers' associations have indicated that abolishing the notification and registration procedure would not have any impact on their members. Following consultation with the Small Business Service, it has been agreed that there is no measurable impact on small businesses.

Competition assessment

11. Maintaining the status quo under Option 1 would not create any concerns for competition. We do not expect that the proposal under Option 2 would have any adverse effect on competition since it will not create costs for business. However, if implemented the Regulatory Reform Order, will reduce administrative burdens on large shops. Small businesses will not be affected by this proposal.

Impact on consumers

12. The proposal would remove the obligation on local authorities to maintain a register of notified Sunday opening hours and to make this available for public inspection. This would produce a theoretical disadvantage for consumers in terms of the loss of this amenity. In practice, however, instances of these inspections are thought to be rare or non-existent and it is assumed at this stage that no consumer detriment would arise as a result of the proposal.

Enforcement, Sanctions, Monitoring

13. Neither enforcement nor sanctions will be required, since the proposal is for the repeal of the relevant provisions of the Sunday Trading Act. No additional monitoring is envisaged in connection with this Regulatory Reform Order.

Annex F: Partial Regulatory Impact Assessment

Proposal 2: Section 26 Revenue Act 1889

1. Title

This is the Regulatory Impact Assessment (RIA) of repealing an existing prohibition on the sale of methylated spirits on a Sunday.

2. Purpose and intended effect of the measure

i) Issue

An out-dated piece of legislation, Section 26 of the Revenue Act 1889 (the predecessor to what is now known as the Finance Act), currently prohibits the sale of methylated spirits on a Sunday, making it an offence to sell methylated spirits between 10pm on a Saturday and 8am on a Monday. The legislation originates from a period when there was a scheme of licensing of the relevant retailers for excise purposes. This scheme disappeared in the 1960s. Any remaining logic in the continued existence of the legislation disappeared with the changes to Sunday trading made in 1994. It is now intended to remove what is regarded as an anomalous and obsolete piece of legislation.

ii) Objective

Repeal of this prohibition will remove an unnecessary regulatory burden which restricts trade. It will also remove an unnecessary limitation on the freedom of consumers.

3. Who will be affected ?

- Anyone who sells methylated spirits (DIY, stores etc.)
- Any consumer wishing to purchase methylated spirits on a Sunday.

4. Scale of the issue

Potentially this affects any sale of methylated spirits at a time that is prohibited. However, we understand that many retailers do not appear to be aware of the prohibition or, at least, continue to sell meths on a Sunday. Customs, who would be the authority most likely to bring a prosecution under this legislation, are not aware of any case that has been brought in recent memory. However, the legislation continues to be technically extant, despite their desire to have it removed.

5. Options

We consider the options available are:

- Repeal by Regulatory Reform Order
- Repeal by a Bill.
- Make no change to the law.

6. Benefits

- Repeal will remove a restriction on the freedom of businesses to sell what they want, when they want, in circumstances where there is no longer any logical reason for the prohibition.
- It will also ensure that consumers can obtain these particular products when needed without being impeded by legislation that serves no contemporary purpose.
- It will also remove the confusion that has existed for retailers on where they stand in relation to the law. Many retailers appear to be unaware of the prohibition and continue to retail without regard to it.
- This confusion amongst retailers obviously puts those that are aware of the legislation and choose to comply with it at a competitive disadvantage. Consequently, repeal will ensure that all retailers are on an equal footing.
- It will remove unnecessary and archaic legislation from the statute-book.
- It will remove a regulatory burden.

7. Compliance costs for business

There are no costs to business, as repeal will merely remove a burden on those retailers that operate in accordance with the legislation.

8. Other costs.

There are no other costs.

9. Consultation with business

Customs & Excise have already consulted with the British Retail Consortium, Royal Pharmaceutical Society and the National Pharmaceutical Association who have all confirmed that they support repeal.

10. Small Business

Small business can only benefit from repeal of this regulatory burden. It will also remove any uncertainty as to the legal restrictions that currently operate.

11. Competition Assessment

The proposal will help to ensure that there is a level playing-field between those retailers who have until now observed the legislation and those who do not. Repeal will consequently support fair competition.

12. Summary and Recommendations

The need to modernise government, reduce burdens on business and remove legislation where it serves no purpose, are all compelling cases for repeal of this anomalous and out-dated legislation. There are no costs to this measure, only perceived benefits. Repeal by way of a Regulatory Reform Order on

Sunday trading matters seems an ideal solution to this problem; various avenues for repeal have been explored, however, these options have not been pursued as precisely the irrelevance of this legislation to modern day purposes has proved the problem in achieving its repeal in that it has not been deemed suitable for inclusion in Bills concerned with contemporary matters. It is an ideal candidate for inclusion in the RRO as it is deregulatory, lifts burdens and is modest in its intent.

Annex G – Sunday Trading Act 1994

Results of initial consultation exercise

Business views

1. Only "large shops" are required to notify Sunday opening hours. All business and business organisations contacted during initial consultations (whether small, medium or large businesses) seem to regard the notification procedure as pointless bureaucracy.

Consumer views

2. Initial soundings of consumer organisations have indicated support for abolishing the procedure, which they consider offers no perceived benefit for consumers.

Local government views

3. Views have been obtained from the Local Government Association and directly from individual local authorities in England and Wales. Almost all those consulted thought that the procedure was of no real value on a cost/benefit basis in terms of enforcement of the Act or of providing information to consumers. However one local authority considered the register to be useful. They had consulted the register on six occasions since 1994 in order to respond to telephone queries from shoppers wanting to visit a particular shop and requesting its opening hours, or queries from shopworkers interested in their rights under the Act. They further thought that the register provided a basis for them to remind shops of their obligations under the Act.

Local authorities without exception said that members of the public have never asked to inspect the register of notifications of Sunday opening hours that the Act requires them to keep.