



SUNDAY TRADING ACT 1994

Christmas Day Trading – a consultation on a proposal to regulate the opening of large shops (internal floor area of over 280 square metres or 3,000 square feet) on Christmas Day.

Summary of the response to the consultation

The Department issued this consultation document on 8 April 2003. A copy of the consultation document, which includes an Regulatory Impact Assessment, is available on the DTI website at:

<http://www.dti.gov.uk/ccp/consultpdf/xmascon.pdf>

In addition to placing the consultation document on the DTI website, the Minister for Employment Relations wrote to a large number of key stakeholders to draw their attention to the consultation, including retail business and retail staff organisations, consumer and enforcement bodies, Christian and non-Christian religious groups and Government Departments.

Aim of the Consultation

The Government wishes to see the special nature of Christmas Day maintained. It believes that the special nature of the day would be undermined if opening by large stores became widespread and that regulation now will avoid problems in the future.

The aim of the consultation was to obtain the views of key stakeholders and members of the public on the Government's proposals.

Form of the consultation

Five specific questions were asked in the consultation document:

Do you agree in principle with maintaining the special nature of Christmas Day?

Do you agree that the special nature of the day would be undermined by large stores (ie over 280 sq m/3,000 sq ft) opening on that day?

Do you believe that large stores should be prohibited by law from opening on Christmas Day?

Do you believe that regulating Christmas Day trading by large stores would create any anomalies?

Do you have any comments on the Regulatory Impact Assessment?

Additional comments on these questions and on other aspects of the Government's proposal were also invited.

Outcome of the Consultation

Of the responses received by the end of the consultation period on 2 July, 97% supported keeping Christmas Day special and agreed that large shops should remain closed. The remaining 3%, all from individual members of the public, opposed the proposal on the grounds that it was discriminatory against other religions, particularly in a multi-cultural society. Their view was that shops of all sizes should be allowed to decide when they opened.

Of all responses received, 18% were from major retailers (this was perhaps not surprising as they had been consulted in 2002 on their plans to open Christmas Day 2002 and beyond). 6% of responses were from small stores and retail staff organisations, who answered on behalf of their members. 4% of responses were received from Christian groups. The remaining 72% of responses were from private individuals. No non-Christian religious groups or consumer organisations responded.

There were six recurring comments raised in support of the Government's proposals:

- Christmas Day is an important time for families to spend time together, irrespective of religious belief.
- The cost to large stores opening on that day would outweigh any potential profits.
- Large stores opening would increase the need for other services allied to retail, such as wholesale, clerical, manufacturing and transport.
- If large stores were to open staff would be put under pressure to provide adequate cover.
- Due to competitive pressure, if some large stores opened on Christmas Day others would follow.
- Convenience stores are open if there is a need for any last minute or emergency purchases.

A number of further individual issues were also raised:

- No shops at all should be allowed to open on Christmas Day.
- What exceptions might be made, such as for large stores selling motor and cycle accessories which are currently able to open on Sunday beyond the 6 hour restriction?
- In Garden Centres, the restaurants only should have the right to open, regardless of the size of the centre.
- There should be a review of the number of Public Holidays.

Although the Consultation paper stated that the Government saw no need to review the operation of the 1994 Sunday Trading Act, there were still some responses that called for a review of Sunday and Easter Day opening hours.

The Sunday Trading Act 1994 was a compromise between strongly held and competing views. The partial deregulation of Sunday trading introduced by the Act appears to have provided a reasonable and enforceable balance. The Government has stated that it will continue to monitor operation of the Act to ensure it continues to meet current needs. It currently sees no need to review the operation of the 1994 Act in respect of Sunday trading.

We would like to thank all those organisations and individuals who contributed to the consultation.

Taken overall, the response to the consultation represents a strong endorsement of the Government proposals. Comments received will be included in consideration of new regulation.

Copies of the responses, except when non-disclosure was requested, are available for viewing in the DTI Library at 1 Victoria Street, SW1H 0ET. Please call the Open Government Unit on 020 7215 6618 to arrange a viewing.

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