

Subsidiary Legislation made under s.6.

Shops (Day and Times of Opening) Order

LN.1976/043

Commencement

8.4.1976

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Shop Hours

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Shops (Day and Times of Opening) Order

Title.

1. This Order may be cited as the Shops (Day and Times of Opening) Order.

Interpretation.

- 2.(1) In this Order, unless the context otherwise requires,—

“closed” means closed for the serving of customers;

“flour confectionery” includes cakes, pastries, biscuits and articles of pastry including meat pies, sausage rolls and similar articles of food;

“member of an occupier's family” means any person related by blood or marriage to the occupier of a shop and living in his house;

“open” means open for the serving of customers;

“pharmacy” means a shop which is registered as a dispensary under the Medical and Health Act;

“restaurant” means a shop which is certified by the Financial and Development Secretary as being a shop in which the sole or principal trade owned on is the sale of fitters, fish and chips and other dressed food for consumption on or off the premises and which is not licensed for the sale of intoxicating liquor under the Licensing and Fees Act;

“sugar confectionery” includes sweets, chocolates, biscuits, non-alcoholic 4

(a) is situated on the premises of a theatre or cinema; and

(b) is open for the sale of sugar confectionery to members of the audience during any performance and for not more than one-half hour before any performance.

- (2) The provisions of this Order shall not apply to any premises licensed for the sale of intoxicating liquor under the Licensing and Fees Act.

Hours of closing.

- 3.(1) Unless otherwise provided by this Order every shop shall remain closed—

(i) On every day before 6 a.m.;

(ii) on every day after 8 p.m.;

(iii) *Deleted*;

(iv) on Sundays, Christmas Day and Good Friday;

(v) *Deleted*.

(2) Nothing in this Order which permits a shop to be open on Sundays, Christmas Day or Good Friday shall be construed as allowing such shops to open before 6 a. m. or to remain open after 8 p. m. on any such day.

Sundays and public holidays.

4. The following classes of shop may open on Sundays, Christmas Day and Good Friday—

- (a) shops for the sale of bread, flour confectionery or sugar confectionery;
- (b) restaurants;
- (c) theatre shops; and
- (d) shops in respect of which the Commissioner of Police has granted a permit under the provisions of paragraph 7.

Catalan Bay and Both Worlds.

5. Shops in Catalan Bay Village and the Both Worlds hotel, may be open between 12.00 midday and 6 p.m. on Saturdays and Sundays between the 1st May and the 31st September in every year both dates inclusive for the sale of—

- (a) any article required for the purpose of bathing or fishing;
- (b) photographic requisites;
- (c) souvenirs;
- (d) newspapers and postcards; and
- (e) bread, flour confectionery and sugar confectionery.

6. *Revoked*.

Restaurants and family shops.

7.(1) Notwithstanding anything contained in paragraph 3 registered restaurants may be open at any hour other than between 4 a. m. and 6 a. m.

(2) Notwithstanding anything contained in paragraph 3 registered family shops maybe open at any hour other than between 4 a.m. and 6 a.m. for the sale of bread, flour confectionery, sugar confectionery, fritters, fish and chips, and other dressed food for consumption on or off the premises.

(3) For the purpose of sub-paragraph (2) "registered family shop" means a shop registered with the Commissioner of Police and granted a permit by him as a shop in which no person other than the occupier or a member of the occupier's family is engaged at any time as a shop assistant.

Extension.

8.(1) The Commissioner of Police may, in his discretion and by notice in writing, authorize a restaurant or a registered family shop to be open at such times other than they are permitted to be open under paragraph 7 as may be specified in such notice.

(2) The Commissioner of Police may attach such conditions as he thinks fit to any permit which he is authorized to issue under this paragraph and may revoke such permit if he is satisfied that such conditions are not being complied with or that the grounds on which it was granted no longer apply.

(3) Any person aggrieved by any decision of the Commissioner of Police may appeal to the Governor.

Weekly early closing day.

9.(1) All hairdressing and sugar confectionery shops shall be weekly early closed not later than 3 p.m. on either Wednesday or Saturday in each week as the case may be in accordance with the provisions of this paragraph.

(2) Saturday shall be the early closing day for hairdressing and sugar confectionery shops unless notice in writing has been given to the Commissioner of Police that Wednesday will be kept as the early closing day.

(3) Notice in writing shall be given to the Commissioner of Police of intention to change the early closing day in respect of any particular shop from Wednesday to Saturday, or vice versa, and from the date of receipt of such notice by the Commissioner of Police, the day on

which the early closing day shall be kept in respect of that shop shall be in accordance with the notice given to the Commissioner of Police. No such notice may be given unless a period of at least three months has elapsed since the date on which the then existing early closing date was first kept in respect of that shop.

(4) There shall be kept conspicuously placed in every shop to which this paragraph relates a notice stating the hours during which it will be closed on Wednesdays or Saturdays, as the case may be.

(5) Where a shop to which this paragraph relates is closed during the whole day on the occasion of a public holiday, and that day is not the day for early closing, it shall be lawful for the occupier of the shop to keep the shop open after the hours at which it is required under this paragraph to be closed on the early closing day falling within the same week as that holiday.

(6) The Commissioner of Police may, in his discretion, refuse to accept a notice under subparagraph (2) if he is satisfied that the occupier of the shop owns, or has a substantial interest in, another shop and the occupier intends to close one shop on Wednesday and the other on Saturday.

General exemption of certain shop from Order.

10. (1) Nothing in this Order (other than paragraph 3 (1) (iv)) shall apply—

- (a) to any library at which the business of lending books or periodicals is not carried on for purposes of gain other than that of making profits for some philanthropic, religious, educational or charitable object or for any club or institution which is not itself carried on for purposes of gain; or
- (b) to any stall in a public market.

(2) Nothing in this Order shall apply—

- (a) to the sale of petrol, oil and lubricants only by any petrol filling station;
- (b) to the sale of newspapers and periodicals only by any newsagent.

(3) Any pharmacy which has been notified to the Minister for Medical and Health Services as being the pharmacy which will be open at such hours as the Minister may have stipulated under any agreement entered into for the purposes of supplying prescription under the Medical Group Practice Scheme may remain open during such hours.

Serving of customers at a time when the shop is required to be closed.

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11. Nothing in this Order shall prevent customers from being served at a time when the shop in which they are being served is required to be closed,—

- (a) with victuals, stores and other necessities for a ship or aircraft on her arrival at or immediately before her departure from Gibraltar;
- (b) if the customer was in the shop before the time when the shop was required to be closed; or
- (c) if the article is supplied to the customer after the closing hour and is required in the case of illness.

Christmas exemption.

12. Notwithstanding any other provisions of this Order it shall be lawful for any shop, except a shop referred to in paragraph 14, to remain open at any time on any of the six week days next preceding Christmas Day and on the two week days next preceding Epiphany.

Exemption of shops at Air Terminal.

13.(1) Notwithstanding any other provisions of this Order, it shall be lawful for any Air Terminal shop to be kept open on any day or night, including Sundays, Christmas Day and Good Friday—

- (a) for one hour before the advertised time of arrival of any charter airplane of which notice has been given to the Director of Tourism or any scheduled airplane or, in the event of such airplane being delayed, for a period not exceeding three hours before the actual time of arrival of such airplane, at North Front Aerodrome;
- (b) for one hour after the actual time of arrival of such an airplane; and
- (c) for one hour before the advertised time of departure of such an airplane, or in the event of such departure being delayed, for any period not exceeding three hours before the actual time of departure of such an airplane, from North Front Aerodrome.

(2) For the purpose of sub-paragraph (1)—

“Air Terminal shop” means a shop situated within the premises of the Air Terminal Building at North Front;

“scheduled airplane” means an airplane engaged in any regular service for the purpose of transporting passengers between Gibraltar and any other place.

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Exemption of shops at Entertainment Centre of the International Sporting Club of Gibraltar Limited.

14. Notwithstanding any other provisions of this Order it shall be lawful for any shop including a Jewish registered shop, in the Entertainment Centre of the International Sporting Club of Gibraltar Limited, to be kept open on any day or night, except Sundays, Christmas Day and Good Friday, between the following hours—

| | |
|--------------|---|
| Hairdressers | 1p.m. to 3 p.m. 4 p.m. to 10 p.m. |
| Other Shops | 1 p.m. to 3 p.m. 4 p.m. to 8 p.m. 9 p.m. to 12 midnight |

subject to the condition that none of such shops may open during any other hours except those specified in this paragraph.

Penalties.

15. The owner or occupier of a shop which opens or remains open or who in any other manner acts in contravention of the provisions of this Order, is guilty of an offence and is liable on summary conviction to a fine, in the case of a first offence, of £20 and in the case of any subsequent offence of £50.

16. *Revoked.*