

Subsidiary Legislation made under s.16.

Shops (Days and Times of Opening) Regulations, 1990

LN.1990/162

Commencement **22.11.1990**

Amending enactments	Relevant current provisions	Commencement date
LN. 1990/179	r. 9 and Sch.	22.11.1990
1991/212	r. 9(5) and Sch.	21.11.1991
1996/048	r. 2	4.4.1996
2022/201	Sch.	21.7.2022
2023/208	Sch.	1.8.2023
2025/190	Sch.	1.8.2025

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Title.

1. These regulations may be cited as the Shops (Days and Times of Opening) Regulations, 1990.

Interpretation.

2. (1) In these regulations, 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 in which the sole or principal trade carried on is the sale of fritters, 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” include sweets, chocolates, biscuits, nonalcoholic drinks and ice-creams;

“theatre shop” means a shop which—

- (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 these regulations 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 these regulations every shop shall remain closed

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- (a) on every day before 6 a.m.;
- (b) on every day after 8 p.m.;
- (c) on Sundays, Good Friday and Christmas Day.

(2) Nothing in these regulations which permits a shop to be open on Sundays, Good Friday or Christmas Day 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.
Sunday and public holidays.

Sunday and public holidays.

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

- (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 regulation 6.

Catalan Bay and Gibraltar Beach Hotel.

5. Shops in Catalan Bay Village and the Gibraltar Beach Hotel, may be open between 12.00 midday and 6 p.m. on Saturdays and Sundays between the 15th May and the 30th 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.

Restaurants and family shops.

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

(2) Notwithstanding anything contained in regulation 3 registered family shops may be 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 this regulation “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.

7. (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 those that they are permitted to be open under regulation 6 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 regulation 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.

8.(1) All hairdressing and sugar confectionery shops shall be 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 regulation.

(2) Saturday shall be 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, and no such notice may be given unless a

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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 displayed in every shop to which this regulation 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 regulation 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 regulation 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 sub-regulation (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 shops from Regulations.

9. (1) Nothing in these regulations (other than regulation 3(1)(c)) shall apply–

- (a) to any library at which the business of lending books, periodicals or audio or video tapes is not carried on for the 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 the purpose of gain; or
- (b) to any stall in a public market.

(2) Nothing in these regulations 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.

(4) Any shop which exhibits in a conspicuous position a valid permit granted by the Commissioner of Police in accordance with sub-regulation (5) may, notwithstanding regulation 3, remain open on the additional days and during the additional hours specific in that permit.

(5) When an application is made for a shop to remain open on days or times other than those permitted by these regulations and such application is made on the form prescribed in the Schedule to these regulations, the Commissioner of Police may in his discretion grant a permit valid for a period not exceeding 12 months specifying therein the additional days and hours on which the shop may open and the day on which the permit expires and such permit shall be in the form prescribed in the Schedule.

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

10. Nothing in these regulations 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.

11. Notwithstanding any other provisions of these regulations it shall be lawful for any shop, except a shop referred to in regulation 13, 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.

12. (1) Notwithstanding any other provisions of these regulations, it shall be lawful for any Air Terminal shop to be kept open on any day or night, including Sundays, Good Friday and Christmas Day on which scheduled or charter airplanes are timetabled to arrive or depart.

(2) For the purpose of this regulation—

“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.

13. Notwithstanding any other provisions of these regulations, 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, Good Friday and Christmas Day, between the following hours

Hairdressers 1 p.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 regulation.

Penalties.

14. 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 these regulations, is guilty of an offence and is liable on conviction to a fine not exceeding £2,000.

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SCHEDULE

Regulation 9 (5)

1. Form of application to open the shop outside permitted hours.

Application for additional shop opening hours.

Application is hereby made to keep open on the days and hours specified below the shop called—
situated at
selling principally

This application is made to open the shop on

Sunday, Good Friday, Christmas Day (delete as appropriate) and/or
between the hours of and
(complete the additional opening hours for which permission is sought) on
.....(specify days of the week).

I am the owner/manager (delete as appropriate) of the shop.

Signature
Name and address
Date

2. Prescribed fee.

The fee prescribed for the issuing of a permit under regulation 9(5) is £44.00.

3. Form of Permit for additional opening hours.

Additional opening hours.

In exercise of my powers under section 9 (5) of the Shop (Days and Times of Opening) Regulations 1990 I permit the
situated at
to be open on the following additional days—
.....
during the following additional hours
during the following days of the week

This permit expires on the

Commissioner of Police.