



House of Commons
Regulatory Reform Committee

Draft Regulatory Reform (Sunday Trading) Order 2004

Third Report of Session 2003–04

*Ordered by The House of Commons
to be printed 10th February 2004*

HC 338

Published on 12th February 2004
by authority of the House of Commons
London: The Stationery Office Limited
£0.00

The Regulatory Reform Committee

The Regulatory Reform Committee is appointed to consider and report to the House of Commons on proposals for regulatory reform orders under the Regulatory Reform Act 2001 and, subsequently, any ensuing draft regulatory reform order. It will also consider any "subordinate provisions order" made under the same Act.

Current membership

Mr Peter Pike (*Labour, Burnley*) (Chairman)
Mr Russell Brown (*Labour, Dumfries*)
Brian Cotter (*Liberal Democrat, Weston-super-Mare*)
Mr Jeffrey M. Donaldson (*Democratic Unionist, Lagan Valley*)
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Mr Anthony Steen (*Conservative, Totnes*)
Brian White (*Labour, Milton Keynes North East*)

Powers

The full constitution and powers of the Committee are set out in House of Commons Standing Order No. 141, available on the Internet via www.parliament.uk.

Publications

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at www.parliament.uk/parliamentary_committees/regulatory_reform_committee.cfm.

A list of Reports of the Committee in the present Parliament is at the back of this volume.

Committee staff

The current staff of the Committee are Martyn Atkins (Clerk), Stuart Deacon (Committee Specialist), Brian Dye (Committee Assistant) and Liz Booth (Secretary).

Contacts

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1 Report under Standing Order No. 141

1. The Regulatory Reform Committee has examined the draft Regulatory Reform (Sunday Trading) Order 2003 in accordance with Standing Order No. 141. We recommend unanimously that the draft order be approved.

2 Introduction

2. On 22 January 2004 the Government laid the draft order before Parliament, together with an explanatory statement from the Department for Trade and Industry (the Department).¹ We have already reported on the proposal for this order, which would amend two separate and unrelated pieces of primary legislation, both of which relate to shops which trade on Sundays.

- **Proposal A** would amend the Sunday Trading Act 1994 (the 1994 Act) in order to remove the requirement on the occupiers of certain shops to notify the relevant local authority of the hours they intend the shop to open for trading on a Sunday.
- **Proposal B** would amend the Revenue Act 1889 (the 1889 Act) to repeal the provision which prohibits methylated spirit from being sold between 10pm on a Saturday and 8am on a Monday.

3. The House has instructed us to examine the draft order against such of the criteria specified in Standing Order No. 141(6) as are relevant. We are also required to consider the extent to which the responsible Minister has had regard to any resolution or report of the Committee or to any other representations made during the period for parliamentary consideration.² Our discussion of matters arising from our examination is set out below.

3 Findings of our previous report

4. We were satisfied that the proposal for this order met the criteria against which we were required to judge it, and we concluded that a draft order in the same terms as the proposal should be laid before the House.³

5. We noted with approval the Government's statement that it saw no need to review the operation of the 1994 Act. We considered that any proposal to alter the present arrangements ought to proceed on the basis of the fullest possible consultation, and that

1 Copies of the proposal are available to Members of Parliament from the Vote Office and to members of the public from the Department. The proposal is also available on the Cabinet Office web site: www.cabinet-office.gov.uk/regulation/act/proposals.htm.

2 Standing Order No. 141(7)

3 First Report of the Regulatory Reform Committee, Session 2003–04, *Proposal for the Regulatory Reform (Sunday Trading) Order 2004*, HC (2003–04) 108

the most appropriate route for any further amendment of them should be by primary legislation.⁴

Adequate consultation

6. We were satisfied that the proposal had been the subject of an adequate consultation process and that the Department had taken appropriate account of the consultation responses.

7. We noted that the Department had carried out a pre-consultation exercise to determine the extent to which registers of Sunday opening hours were used by local authority staff and consulted by members of the public. We considered that fuller details of the exercise should have been set out in the explanatory statement, indicating the local authorities approached by the Department. We also noted that the authorities selected for the pre-consultation exercise were not fully representative of the range of authorities which administer Sunday trading arrangements, since few if any of the authorities identified covered rural market towns or new towns.⁵

4 The Department's response to our report

Drafting of the order

8. The Department has made one drafting change to the order. This is intended to improve the clarity of the provision in article 2(2)(e), which substitutes a new paragraph for the existing paragraph 8 of the schedule.

Adequate consultation

9. The Department has accepted that fuller details of the pre-consultation exercise should have been included in the explanatory statement laid with the proposal. It has already supplied us with details of this exercise, which we have printed as an appendix to our earlier report.⁶ The present explanatory statement indicates the attempts the Department has made to consult a broad range of local authorities, via the Local Government Association and the Local Authorities Co-ordinators of Regulatory Services (LACORS).⁷

10. The Department intends to issue a press release once the order comes into force, to ensure that the implications of the order are widely known, and also intends to write to the individuals and organisations affected by the proposals.⁸ **We recommend that the Department should ensure that all local authorities affected by the present requirement to keep a register of Sunday trading hours should be notified directly of the removal of the requirement as soon as the order comes into force.**

4 *Ibid.*, para 39

5 *Ibid.*, para 52

6 *Ibid.*, appendix B

7 Explanatory statement, para 6

8 Explanatory statement, para 11

11. On the basis of the explanatory statement, we are satisfied that the responsible Minister has had due regard to our previous report on the proposal for the draft order.

5 Other representations

12. The period for Parliamentary consideration of the proposals began on 14 October 2003 and expired on 17 December 2003. The Department states that it received no representations concerning the proposals during the period for Parliamentary consideration.

6 Recommendation

13. In accordance with Standing Order No. 141(15), we recommend unanimously that the draft order be approved.

Formal minutes

Tuesday 10 February 2004

Members present:

Mr Peter Pike, in the Chair

Mr Russell Brown

Mr John MacDougall

Mr Mark Lazarowicz

Mr Denis Murphy

The Committee deliberated.

Draft Report [Draft Regulatory Reform (Sunday Trading) Order 2004], proposed by the Chairman, brought up and read.

Ordered, That the Chairman's draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 13 read and agreed to.

Resolved, That the Report be the Third Report of the Committee to the House.

Ordered, That the Chairman do make the Report to the House.

[Adjourned till Wednesday 3 March at 9.30 am.]

Reports from the Regulatory Reform Committee since 2001

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Fourteenth	Draft Regulatory Reform (Removal of 20 Member Limit in Partnerships Etc.) Order 2002	1303
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