Employment Act, 1944, as modified by any subsequent enactment, during any period for which the person is entitled thereunder to retain such employment.

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this thirty-first day of December, 1947, in the presence of

(L.S.)

Brian Maginess,
Minister of Labour and National Insurance for Northern Ireland.

SHOPS ACT

REGULATIONS, DATED 25TH APRIL, 1947, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER THE SHOPS ACT (NORTHERN IRELAND), 1946.

1947. No. 60

ARRANGEMENT OF REGULATIONS

1. Circumstances under which a prima facie case for the making of an Order is to be deemed to exist.
2. Local enquiries by a person appointed by the Ministry.
3. Register of Shops.
4. Method of ascertaining opinion of occupiers of shops.
5. Making and publication of Draft Orders.
6. Consideration by local authority of objections and suggestions.
7. Orders under Section Three of the Act of 1946.
8. Orders under Section Four of the Act of 1946.
9. Revocation of Orders.
10. Form of application and statutory declarations by an occupier of Jewish religion.
11. Tribunal.
12. Procedure of Tribunal.
13. Notice of assistants' half-holidays.
14. Records of Sunday employment.
15. Notice as to seats for employees.
16. Notice re young persons' half-holidays.
17. Record of young persons' hours of employment and notice of number of hours per week to be worked by young persons.
18. Exhibition of Notices.
19. Interpretation.
20. Citation and Commencement.

SCHEDULE

FORMS

In pursuance of the powers conferred upon it by Section Forty of the Shops Act (Northern Ireland), 1946, and of all other powers it thereunto enabling, the Ministry of Home Affairs for Northern Ireland hereby makes the following Regulations :—

Procedure in connection with the making of Orders by Local Authorities

Circumstances under which a prima facie case for the making of an Order is to be deemed to exist.

1. A prima facie case for the making of an Order under Part I of the Shops Act (Northern Ireland), 1946 (hereinafter referred to as the Act of 1946) shall be deemed by a Local Authority to exist, and the Local Authority shall proceed to take the making of such an Order into consideration, in any of the following circumstances, that is to say :—

(*a*) If the Ministry communicates to the Local Authority under Section Twelve of the Act of 1946 its opinion that an Order should be made.

(*b*) If joint representations are made to the Local Authority by a substantial number of occupiers of shops, or of one or more classes of shops, in its area, that it is desirable that an Order should be made.

(*c*) If joint representations are made to the Local Authority by a substantial number of inhabitants of the area or by a substantial number of such inhabitants individually, or by one or more bodies or associations representative, in the opinion of the Local Authority, of occupiers of shops or of the inhabitants of the area, that it is desirable that an Order should be made.

(*d*) If from information furnished to the Local Authority by its shops inspectors, or reaching it in any other manner, it is made to appear to the Local Authority that it is desirable that the making of an Order should receive consideration.

Local enquiries by a person appointed by the Ministry.

2. If it appears to the Ministry that it is expedient under sub-section 1 of Section Twelve of the Act of 1946 to determine whether or not a prima facie case exists for the making of an Order under Part I of the Act of 1946 (other than an Order under Section Three or Section Four of the Act) or if, having regard to the provisions of an Order submitted to the Ministry under sub-section 3 of Section Thirteen of the Act of 1946 for confirmation or to material objections to any of those provisions revealed by the information submitted by the Local Authority with the Order, it appears to the Ministry that it is expedient to cause enquiry to be held for the purpose of such determination or to assist it in reaching a decision on the provisions of the Order, as the case may be, the following procedure shall apply :—

(*a*) The Ministry shall appoint a competent person (hereinafter called the Commissioner) to hold the local enquiry.

(*b*) The enquiry shall be held at such place and at such time as the Commissioner, with the approval of the Ministry, and after consultation with the Local Authority, may determine.

(*c*) Not less than three weeks before the date of holding the enquiry notice thereof and of the place where, and of the time at which, the enquiry will be commenced shall be given by the Commissioner. The notice shall be in the form set out in the Schedule to these Regulations and shall—

(i) be advertised at least twice in one or more newspapers circulating in the area to which the Order would if made or confirmed apply;
Provided that if the area to which the Order if made or confirmed would apply has a population of not more than 5,000, the Commissioner may, in lieu of advertising the notice in a newspaper or newspapers, cause a copy thereof to be sent to the occupier of every shop known to be affected by the Order; and

(ii) be given to any ratepayer in the area who, with reasonable grounds, makes application for it.

(*d*) The enquiry may from time to time be adjourned by the Commissioner as he thinks desirable.

(*e*) The enquiry shall be held in public and any person who, in the opinion of the Commissioner, would be affected by the proposed Order or Draft Order, as the case may be, may, if an outline of the evidence he proposes to give has been forwarded to the Commissioner and to the Local Authority, appear and be heard either in person or by Counsel, Solicitor or Agent.

(*f*) The Commissioner may give such directions as he thinks fit regarding the order in which evidence in favour of or against the making of an Order, or in support of or in objection to the provisions of the Order, as the case may be, shall be taken, and if any person claims to be heard at the enquiry and has not already sent to the Ministry, the Local Authority, or the Commissioner, in writing, an outline of the evidence he proposes to give regarding, or particulars of his objection to, the proposed Order, the Commissioner shall require him to do so before being heard.

(*g*) If the objections made to an Order, or the considerations put forward in support of or against the desirability of the making of an Order by more than one person appearing at the enquiry seem to the Commissioner to be the same in substance, he may in the first instance select such one of those persons as he

considers representative to state such objections or to submit such considerations and (if required) to call evidence ;

Provided that any other person making the same objections or submitting the same considerations may be heard subsequently with the consent of the Commissioner.

(*h*) Subject to the foregoing Rules all the proceedings shall be conducted in such manner as the Commissioner may direct.

Register of Shops.

3.—(1) Every Local Authority under the Act of 1946 shall prepare, in the form set out in the Schedule hereto, a register of shops situate within its area, or within any area for which under Section Thirty-five of the said Act it has been appointed the agent of another Local Authority for the purposes of the Act, and shall from time to time so add to, delete from, or amend the entries in such register, in accordance with information reaching, or obtained by, it, that the register shall, at any time, constitute as accurate as possible a record of the shops in the area.

(2) When the first register prepared under the immediately preceding paragraph has been compiled by a Local Authority so far as the information available to, or readily obtainable by it, permits, the Local Authority shall publish a notice twice, in two succeeding weeks, in one or more newspapers circulating in the area to the effect that the register may be inspected by the occupier of any shop in the area and that any such occupier is entitled to attend, within the times and at the place specified in the notice, for the purpose of securing that the entries in the register with regard to his shop are duly made and are complete and accurate.

For the purposes of paragraph 5 of this Regulation, the compilation or general revision of a register shall be deemed to have been completed one calendar month after the first publication of the notice relating to such compilation or general revision in accordance with the foregoing provisions of this paragraph.

(3) If before the completion of a register as provided in paragraph (2) hereof, a prima facie case is made out for the making of an Order affecting any class or classes of shops in the area of a Local Authority, or any or all classes of shops in an area forming part of the area of a Local Authority, the Local Authority shall forthwith proceed, in the manner prescribed in this Regulation, to complete so much of the register of shops as shall include the shops to be affected by the proposed Order and for all purposes connected with the said proposed Order, the section of the register so completed shall be deemed to be the register. The section of the register so completed shall in due course, and subject to such amendment as may from time to time become necessary, be incorporated in and form part of the register of shops compiled by the Local Authority in accordance with this Regulation.

(4) If the Local Authority has reason to believe that in any shop several trades or businesses are carried on, the Local Authority shall require the occupier thereof to declare which trade or business he considers to be his principal trade or business, and the Local Authority shall record that trade or business as the principal trade or business in the entries in the register relating to that shop. The declaration of the occupier may be obtained by the Local Authority either, when the register is being compiled, by sending to, and securing the completion and return of by, the occupier a form of declaration in the form set out in the Schedule hereto, or, on the occasion of the attendance of the occupier to examine the entries in the register regarding his shop, by securing the signature of the occupier to the form of declaration incorporated in the form of register as set out in the Schedule hereto, as may, in the opinion of the Local Authority, be appropriate.

(5) A Local Authority may, and if directed by the Ministry shall, make a general revision of the register of shops in its area at intervals of not less than one nor more than three years, and for the purposes of such revision may follow, so far as it is applicable, the procedure adopted for the compilation of the first register.

(6) For purposes connected with the making of an Order under the Act of 1946, a register prepared or generally revised by a Local Authority in accordance with this Regulation, shall be deemed to be a true and complete record of the shops and of the names and addresses of the occupiers thereof and of the class of trade or business carried on in the shops in the Local Authority's area, and shall be used by the Local Authority in the issue of voting papers or for any like purpose, and the entries in the register regarding any shop shall constitute conclusive evidence in the determination of any question of the right of any occupier to record a vote under the Act of 1946, or concerning the class of the shop for any of the purposes of the said Act ;

Provided that if a register is to be so used in connection with the making or revocation of an Order under the Act of 1946 at a date which is later than six months after the first compilation or a general revision of the register was completed, the Local Authority, before so using the register, shall in the manner provided in paragraph (2) of this Regulation or paragraph (4) of Regulation Five afford an opportunity to the occupiers of shops affected by the Order to examine the entries in the register relating to their shops and shall make such reasonable and proper amendments or corrections of the entries regarding any shop proposed by the occupier as may be necessary to secure that the entries constitute a true and accurate record.

(7) Any person who becomes the occupier of a shop, or who ceases to be the occupier of a shop at one address and becomes the occupier of a shop at another address, or who is the occupier of a shop in which the trade or business recorded in the register as the principal trade or business ceases to be the principal trade or business and is