SECOND SCHEDULE.

PROPOSAL FOR NEW BISHOPRICS.

I.—BISHOPRIC OF SOUTHWARK.

1. The bishop to be bishop of Southwark.

2. The diocese to consist of the rural deaneries of Greenwich, Lewisham, Woolwich, Battersea, Camberwell, Clapham, Dulwich (except the parishes within the Urban District of Penge), Kennington, Lambeth, Newington, Southwark, Barnes, Beddington, Caterham, Godstone, Kingston, Reigate, Richmond, Streatham and Wandsworth and of such other parishes as may be transferred to the diocese in pursuance of this Act.

3. The church of St. Saviour in Southwark, subject to the rights of the patron and incumbent of that church, to be the cathedral church.

4. Subject to the rights enjoyed by any person at the passing of this Act, there shall be transferred to the endowment fund of the bishopric of Southwark such portion of the endowment or income of the bishopric of Rochester as will reduce that endowment or income from the annual sum of four thousand five hundred pounds to the annual sum of four thousand pounds, irrespective of tenths or first fruits.

5. The bishop to be subject to the metropolitan jurisdiction of the Archbishop of Canterbury.

II.—BISHOPRIC OF BIRMINGHAM.

1. The bishop to be the bishop of Birmingham.

2. The diocese to consist of the archdeaconry of Birmingham and the rural deanery of Handsworth and of such other parishes as may be transferred to the diocese in pursuance of this Act.

3. Such church in Birmingham as may be determined by the Order of His Majesty in Council, subject to the rights of the patron and incumbent of that church, to be the cathedral church.

4. Subject to the rights enjoyed by any person at the passing of this Act, there shall be transferred to the endowment fund of the bishopric of Birmingham such portion of the endowment or income of the bishopric of Worcester as will reduce that endowment or income from the annual sum of five thousand pounds to the annual sum of four thousand two hundred pounds, irrespective of tenths or first fruits.

5. The bishop to be subject to the metropolitan jurisdiction of the Archbishop of Canterbury.

CHAPTER 31.

An Act to provide for the Early Closing of Shops.

[15th August 1904.]

BE it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Closing order.

1. An order (in this Act referred to as "a closing order") made by a local authority and confirmed by the central authority, in manner provided by this Act, may fix the hours on the several days of the week at which, either throughout the area of the local authority or in any specified part thereof, all shops or shops of any specified class are to be closed for serving customers.

Contents and effect of order.

2.—(1) The hour fixed by a closing order (in this Act referred to as "the closing hour") shall not be earlier than seven o'clock in the evening on any day of the week, except that on one specified day in the week it may be an hour not earlier than one o'clock in the afternoon.

(2) A closing order may prohibit, either absolutely or subject to such exemptions and conditions as may be contained in the order, the carrying on of any retail trade after the closing hour in any place, not being a shop, within the area to which the order applies, for the carrying on of which it would be unlawful to keep a shop open after that hour.

(3) The order may—

(*a*) define the shops and trades to which the order applies; and

(*b*) authorise sales after the closing hour in cases of emergency and in such other circumstances as may be specified or indicated in the order; and

(*c*) contain any incidental, supplemental or consequential provisions which may appear necessary or proper.

(4) Nothing in a closing order shall apply to any fair lawfully held or a bazaar for charitable purposes nor to any shop where the only trade or business carried on is one or more of the trades or businesses mentioned in the schedule to this Act.

(5) Where several trades and businesses are carried on in the same shop and any of those trades or businesses are of such a nature that if they were the only trades or businesses carried on in the shop the closing order would not apply to the shop, the shop may be kept open after the closing hour for the purposes of those trades and businesses alone, but on such terms and under such conditions as may be specified in the order:

Provided that the terms and conditions as respects post office business shall be subject to the approval of the Postmaster-General.

Procedure for making orders.

3.—(1) Whenever a local authority are satisfied that a primâ facie case is made out for making a closing order, the authority shall give public notice, in the prescribed manner and in the prescribed form, of their intention to make an order, specifying therein a period (not being less than the prescribed period) within which objections may be made to the making of the proposed order and, if, after taking into consideration any objections they may have received, the local authority are satisfied that it is expedient to make the order and that the occupiers of at least two-thirds in number of the shops to be affected by the order approve the order, they may make the order.

(2) Notice of the provisions of the order shall be given and copies thereof shall be supplied in the prescribed manner, and the order shall be submitted to the central authority, and the central authority shall consider any objections to the order and may either disallow the order or confirm the order with or without amendment.

(3) As soon as the central authority have confirmed any order, the order shall become final and have the effect of an Act of Parliament:

Provided that every closing order shall be laid before each House of Parliament as soon as may be after it is confirmed, and, if an address is presented to His Majesty by either House within the next subsequent forty days on which that House has sat after any such order is laid before it praying that the order may be cancelled, His Majesty in Council may annul the order, and any order so annulled shall thenceforth become void and of no effect, but without prejudice to any proceedings which may in the meantime have been taken under the order and without prejudice to the power of making any new closing order.

Revocation of order.

4. The central authority may at any time on the application of the local authority revoke a closing order either absolutely or so far as it affects any particular class of shops, and, if at any time it is made to appear to the satisfaction of the local authority that the occupiers of a majority of any class of shops to which a closing order applies are opposed to the continuance of the order, the local authority shall apply to the central authority to revoke the order in so far as it affects that class of shops, but any such revocation shall be without prejudice to the making of any new closing order.

Penalties for offences.

5. If any person contravenes the provisions of a closing order he shall be liable, on conviction under the Summary Jurisdiction Acts, to a fine not exceeding in the case of a first offence one pound, in the case of a second offence five pounds and in the case of a third or subsequent offence twenty pounds:

Provided that nothing in this Act or in any order shall render a person liable to any penalty for serving after the closing hour any customer who was in the shop before the closing hour.

Local inquiries.

6. The central authority may for the purposes of any of their powers and duties under this Act cause a local inquiry to be held, and the costs incurred in relation to any such inquiry, including the salary of any officer engaged in the inquiry, not exceeding three guineas a day, shall be paid by the local authority concerned, and the central authority may certify the amount of the costs incurred. Any sums so certified shall be a debt to the Crown from the local authority.

Regulations.

7. The central authority may make regulations—

(*a*) for prescribing anything which under this Act is to be prescribed; and

(*b*) as to the mode of ascertaining the opinion of occupiers of shops; and

(*c*) as to conduct of local inquiries and matters incidental thereto; and

(*d*) as to the procedure for obtaining the revocation of a closing order; and

(*e*) generally for carrying into effect the provisions of this Act.

Definitions.

8.—(1) In this Act the expression "local authority" in London outside the city means a metropolitan borough council and elsewhere means the council of an urban district with a population, according to the census of one thousand nine hundred and one, of over twenty thousand and any council or other authority having power to appoint inspectors under the Shop Hours Acts, 1892 to 1895, and the provisions of those Acts relating to offences and proceedings, the appointment, powers and salaries of inspectors and the expenses of local authorities shall apply as if they were herein re-enacted and in terms made applicable to this Act and as if references to the occupier of a shop were substituted for references to the employer of a young person.

(2) Any expenses incurred by a metropolitan borough council under this Act shall be defrayed as part of the expenses of the council, and the expenses of an urban district council shall be defrayed as part of the general expenses incurred in the execution of the Public Health Acts.

(3) In this Act, unless the context otherwise requires—

The expression "shop" includes any premises or place where retail trade (including the business of a barber) is carried on:

The expression "central authority" means in England a Secretary of State, in Scotland the Secretary for Scotland and in Ireland the Lord Lieutenant.

Power of county councils to delegate powers under the Shop Hours Acts, 1892 to 1895.

9. Where an order under this Act is in force in any metropolitan borough or urban district, the council of the county in which the borough or district is situate may delegate to the council of the borough or district, either with or without any restrictions or conditions as they think fit, their powers under the Shop Hours Acts, 1892 to 1895.

Short title.

10. This Act may be cited as the Shop Hours Act, 1904; and the Shop Hours Acts, 1892 to 1895, and the Seats for Shop Assistants Act, 1899, and this Act may be cited together as the Shops Regulation Acts, 1892 to 1904.

Section 2.

SCHEDULE.

Post Office business.

The sale of medicines and medical and surgical appliances.

The sale by retail of intoxicating liquors for consumption on or off the premises.

The sale of refreshments for consumption on the premises.

The sale of tobacco and other smokers' requisites.

The sale of newspapers.

The business carried on at a railway bookstall or at a railway refreshment room.