
SHOPS (MODIFICATION FOR FORCES SHOPS) ORDER 2007

The Administrator makes the following Order in exercise of his powers under section 4(3) of the Shops Ordinance 2007(a).

Citation and Commencement

1. This Order may be cited as the Shops (Modification for Forces Shops) Order 2007 and comes into force on 17th September 2007.

Interpretation

2. In this Order—

“entitled person” means –

- (a) a member of the Force as defined in paragraph 1(a)(i) of Section 1 of Annex C of the Treaty of Establishment;
- (b) a member of a civilian component of such a Force as defined in paragraph 1(b) of Section 1 of Annex C of the Treaty of Establishment;
- (c) a person enjoying the rights and facilities of members of Her Majesty’s Forces by virtue of paragraph 3 of section 9 of Part II of Annex B of the Treaty of Establishment.
- (d) a dependent of a person falling within paragraph (a) or (b), as defined in paragraph 1(d) of Section 1 of Annex C of the Treaty of Establishment;

“Forces general shop” means a general shop which is operated, maintained or carried on with the approval or consent of the Force of the United Kingdom for the purposes of the exclusive use of it by any entitled person;

“Forces special shop” means a special shop which is operated, maintained or carried on with the approval or consent of the Force of the United Kingdom for the purposes of the exclusive use of it by any entitled person;

“relevant Republican Law” means the Regulation of the Operation of Shops and the Terms of Service of their Employees Law 2006 (No. 155(I)/2006) and any amendments made to that Law.

Sections 20, 23 and 24 of relevant Republican Law disappplied

3. Sections 20, 23 and 24 of the relevant Republican Law, which have effect in the Areas in accordance with section 3 of the Shops Ordinance 2007, do not apply to a Forces general shop.

Opening hours of Forces general shops

4. A Forces general shop may open –

- (a) for a maximum of 12 hours on any day other than a Sunday;
- (b) for a maximum of 6 hours on a Sunday.

Closing of Forces general shops

5. A Forces general shop must be closed on Easter Sunday and Christmas Day as observed in England and Wales.

Exercise of powers and duties in relation to Forces general and special shops

6. Sections 6(2) and (3) of the Shops Ordinance 2007 do not apply in relation to Forces general shops and Forces special shops.

Dated this 10th day of July 2007.

By the Administrator's Command,

P. D. Draycott,
Chief Officer,
Sovereign Base Areas.

(SBA/AG/2/EM/226)

EXPLANATORY NOTE

(This note is not part of the Order)

Introduction

1. These explanatory notes relate to the Shops (Modifications for Forces Shops) Order 2007. They have been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Order. They do not form part of the Order.

2. The notes should be read in conjunction with the Order. They are not, and are not meant to be, a comprehensive description of the Order. So when a paragraph or part of a paragraph does not seem to require any explanation or comment, none is given.

Particular points

3. The Regulation of the Operation of Shops and the Terms of Service of their Employees Law 2006 of the Republic was given effect to in the Areas by section 3 of and the Schedule to the Shops Ordinance 2007. Paragraph 3 of the Order disapplies those parts of that Republican Law which relate to the permitted opening hours of a general shop. Paragraphs 4 and 5 then set out the opening hours which are permitted in respect of a Forces general shop, as defined by paragraph 2 of the Order. The permitted opening hours that will apply to a Forces special shop are not affected by this Order.

4. Paragraph 6 disapplies section 6(2) and (3) of the Shops Ordinance 2007. The effect of this is that the general delegation of powers and duties from the Chief Officer to appropriate Republican officials will not apply in relation to any Forces general shop or Forces special shop. The enforcement of the Shops Ordinance in relation to such shops will remain the responsibility of the Chief Officer and any official of the Areas he authorises for that purpose.

5. The Order does not vary any of the provisions relating to the working hours of shop employees.

6. The Order comes into force on 17th September 2007.