

# Editorial

## Sunday Trading

In 1986, the Thatcher Government suffered an unprecedented defeat in the Commons, by 296 votes to 282, on the second reading of the Shops Bill, designed to repeal the archaic laws on Sunday trading. The Government, with an overall majority of around 140, saw 68 Conservatives defy the party whip (they were joined in the lobby by fourteen Ulster Unionists, who used the occasion to protest against the Anglo-Irish Agreement). This episode can perhaps be seen, with hindsight, as one of the first hints of the fallibility of Mrs Thatcher's political judgement, soon to be more starkly exposed with regard to the poll tax.

Now the Major Government, with an overall majority (post-Newbury) of just 19, has decided to have another go. In the background lurk the European Community's rules on the free movement of goods. In the foreground, is the fact that a lot of retailers have been making an ass of

the law by defying it. Judicial review proceedings, brought by Tesco Stores and Texas Homecare, alleging that local authorities have been discriminatory in enforcing Sunday trading laws against large companies while turning a blind eye to infringements by small retailers, are pending at the time of writing.

Home Secretary, Kenneth Clarke,<sup>1</sup> favours total deregulation but, with intra- and inter-party opinion still sharply divided, is preparing a Bill that will offer MPs the choice, on a free vote, between this and two other options. Option one is that favoured by the Shopping Hours Defence Council, to allow small shops to open at all time, but limiting the Sunday opening of larger stores to six hours. Option two is based on the Keep Sunday Special's wish to prohibit Sunday opening altogether, but with limited dispensations for certain categories of business. This unusual multi-option legislative formula has been used once before, with the Human Fertilisation and Embryology Bill, in 1990. It is anticipated that the

Bill will be published in July, and given high priority in the next parliamentary session.

Meanwhile, the water has been tested by Labour MP Ray Powell's Shops (Amendment) Bill, supported by the Keep Sunday Special Campaign and by the shopworkers' union, USDAW, based upon Mr Clarke's option two. This achieved a resounding majority at second reading (including 36 Conservative votes in favour) in January, but was talked out at its report stage in May. The time has surely come for complete deregulation; but the signs are that parliamentary opinion is unlikely to accept this. Things cannot be left as they are, but we fear that the Home Secretary's cautious approach (influenced, no doubt, by memories of the 1986 débâcle) will achieve the worst of all possible worlds: little if any deregulation, and pre-emption for many years to come of any possibility of real reform.

<sup>1</sup>*At the time writing.*