

Shop Trading Hours Act Repeal Amendment Act 2001

Public Act 2001 No 16
Date of assent 10 April 2001

Contents

	Page
1 Title	1
2 Commencement	2
3 Shops to be closed on Anzac Day morning, Good Friday, Easter Sunday, and Christmas Day	2
4 New section 4A inserted	2
4A Garden centres may remain open on Easter Sunday	2
5 New section 7A inserted	2
7A Further consequential protection for certain workers	2
6 Effect of certain provisions in leases, etc	3
7 Prosecutions	3

The Parliament of New Zealand enacts as follows:

1 Title

- (1) This Act is the Shop Trading Hours Act Repeal Amendment Act 2001.
- (2) In this Act, the Shop Trading Hours Act Repeal Act 1990 is called “the principal Act”.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Shops to be closed on Anzac Day morning, Good Friday, Easter Sunday, and Christmas Day

Section 3(1) of the principal Act is amended by omitting the expression “section 4”, and substituting the words “sections 4 and 4A”.

4 New section 4A inserted

The principal Act is amended by inserting, after section 4, the following section:

“4A Garden centres may remain open on Easter Sunday

Section 3(1) does not apply to a shop on Easter Sunday if it is a garden centre, being a shop the sole or principal business of which is the sale of plants or garden supplies or both.”

5 New section 7A inserted

The principal Act is amended by inserting, after section 7, the following section:

“7A Further consequential protection for certain workers

“(1) An employment agreement entered into or made before, on, or after the commencement of the Shop Trading Hours Act Repeal Amendment Act 2001 must not be interpreted as requiring a person who is a shop worker in a shop to which section 4A applies to work on Easter Sunday unless the parties to the employment agreement so agree.

“(2) Subsection (1) does not apply to an employment agreement relating to a person who is a shop worker employed to work in, or from, or in relation to, any shop that, before the commencement of the Shop Trading Hours Act Repeal Amendment Act 2001, was entitled to be open on Easter Sunday under section 4.

“(3) In this section,—

“**employment agreement** has the same meaning as in section 5 of the Employment Relations Act 2000

“**shop worker** has the same meaning as in section 7(1).”

6 Effect of certain provisions in leases, etc

Section 8 of the principal Act is amended by inserting, after subsection (2), the following subsections:

“(2A) A mandatory opening provision in a lease, licence, contract, covenant, or agreement entered into, or made before, the commencement of the Shop Trading Hours Act Repeal Amendment Act 2001 must not be interpreted as requiring a shop to which section 4A applies to open on Easter Sunday.

“(2B) Subsection (2A) does not apply to a shop that, before the commencement of the Shop Trading Hours Act Repeal Amendment Act 2001, was entitled to be open on Easter Sunday under section 4.”

7 Prosecutions

Section 9 of the principal Act is amended by adding, as subsection (2), the following subsection:

“(2) Every prosecution under section 5 initiated by an information laid before the commencement of the Shop Trading Hours Act Repeal Amendment Act 2001 must proceed as if that Act had not been enacted.”

Legislative history

28 March 2001

3 April 2001

5 April 2001

10 April 2001

Introduction (Bill 113-1)

First reading and referral to Commerce Committee

Reported from Commerce Committee, second reading, committee of the whole House, third reading

Royal assent
