

New Zealand.

ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Conference of delegates. 3. Local authority or conference may substitute another closing-day. 4. Offices may close on day other than Saturday. 5. Special provisions for Europeans who conduct shops either solely or assisted by certain members of family. 6. Section 2 of principal Act amended. | <ol style="list-style-type: none"> 7. Section 3 of principal Act amended. 8. Section 4 of principal Act amended. 9. Section 8 of principal Act amended. 10. Section 10 of principal Act amended. 11. Section 11 of principal Act amended. 12. Section 17 of principal Act amended. 13. Section 18 of principal Act amended. 14. Section 22 of principal Act amended. 15. Section 21 and 23 of principal Act amended. 16. Penalty where none provided. 17. Special hours for closing on Saturday nights. |
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1895, No. 59.

Title. AN ACT to amend "The Shops and Shop-assistants Act, 1894."
[1st November, 1895.]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title. 1. The Short Title of this Act is "The Shops and Shop-assistants Act Amendment Act, 1895"; and it shall be read with "The Shops and Shop-assistants Act, 1894" (hereinafter called "the principal Act").

Conference of delegates. 2. The proceedings of a conference of delegates shall not be affected by the fact that any local authority has neglected or omitted to appoint the prescribed number of delegates.

Local authority or conference may substitute another closing-day. 3. (1.) Notwithstanding anything to the contrary contained in the principal Act, it is hereby declared that at any time within one month after the commencement of this Act, and at any time before the thirty-first day of March in each year,—

(a.) It shall be lawful for any local authority under section nine of the principal Act to appoint, by special resolution, another closing-day in substitution for the one which is for the time being in force;

(b.) It shall be lawful for a conference of delegates, appointed in that behalf by all the local authorities constituting a district under the principal Act, to decide on another closing-day in substitution for the one which is for the time being in force;

(2.) If the conference decides as aforesaid, and the chairman forthwith notifies the Minister of Labour thereof, the Minister shall, by notice in the *Gazette*, appoint such day as the closing-day in substitution of the one theretofore in force.

(3.) The closing-day so substituted as aforesaid by the local authority or the Minister shall for all purposes be the closing-day in the district of such local authority, or (as the case may be) in the district constituted under the principal Act, until some other day is lawfully appointed.

(4.) The production of such *Gazette* notice shall be conclusive proof of the day named therein being the closing-day in the district named therein.

4. In the event of any day other than Saturday being appointed as the closing-day for shops in any district, the proprietor of any office in such district shall be entitled to close his office on that day, in lieu of Saturday, on giving notice to the Inspector of his desire so to do. Such notice shall be lodged with the Inspector during the month of January in each year, and shall be taken as proof of the facts therein stated:

Offices may close on day other than Saturday.

Provided that if he commences business after January such notice may be lodged as aforesaid at any time within one month after his office is first opened for business.

5. (1.) With respect to any shop the business whereof is *bona fide* owned and conducted by any person of New Zealand or European extraction, whether solely or with the assistance of members of such person's family below the age of eighteen years who reside on the premises, the following special provisions shall apply:—

Special provisions for Europeans who conduct shops either solely or assisted by certain members of family.

(a.) Such person shall be entitled to close his or her shop on another specified day in each week other than the day appointed for the closing of shops in the district on giving notice in writing to the Inspector of the district of his or her desire so to do.

(b.) Such notice shall be lodged with the Inspector during the month of January in each year, and shall be taken as proof of the facts therein stated: Provided that if such person commences business after January such notice shall be lodged as aforesaid at any time within one month after he or she first commences business in such shop.

(2.) It shall be the duty of the Inspector of each district to notify the small shopkeepers therein of the provisions of this section during the first fourteen days of the month of January in each year.

(3.) Section two of the principal Act is hereby amended by repealing, in the definition of "shop," all the words after the words "sale by retail."

6. The second section of the principal Act is hereby amended by adding, after the word "improvers" in the definition of "shop-assistant," the words "messengers and persons employed to deliver goods for closed shops, and the clerical staff."

Section 2 of principal Act amended.

7. Section three of the principal Act is hereby amended as follows:—

Section 3 of principal Act amended.

(a.) By adding the word "chemist" before the word "fish-monger";

(b.) By repealing the second paragraph thereof, and substituting the following:—

"Whenever a public holiday or half-holiday occurs in any week, it shall be a sufficient compliance with this Act if a shopkeeper closes his shop on such holiday or half-holiday instead of on the closing-day under this Act."

Section 4 of
principal Act
amended.

8. Section four of the principal Act is hereby amended as follows:—

(a.) By repealing subsections two and three;

(b.) By adding the following new subsection:—

"(4.) Any person whose business it is to sell machinery for harvesting purposes, or fittings for such machinery, may, during the time of harvest and for the sole purpose of selling such machinery or fittings, keep his shop open on the day appointed for the closing of shops."

Section 8 of
principal Act
amended.

9. Section eight of the principal Act is hereby amended by repealing the word "shopkeeper," in the second paragraph, and substituting the word "person"; and by inserting after the words "any shop-assistant," in the same paragraph, the words "or other assistant."

Section 10 of
principal Act
amended.

10. Section ten of the principal Act is hereby amended—

(a.) By repealing the words "by the local authority," in the first paragraph thereof, and substituting the words "under any of the provisions of this Act."

(b.) By repealing the word "shopkeeper," in the first paragraph thereof, and substituting the word "person."

(c.) By inserting the words "or office" next after the words "his shop," in the first paragraph thereof.

(d.) By adding to the end of the said first paragraph the following proviso:—

"Provided that, in the case of a shopkeeper who commences business after January, such notice may be lodged as aforesaid at any time within one month after his shop is first opened for business."

Section 11 of
principal Act
amended.

11. Section eleven of the principal Act is hereby amended by repealing subsection three thereof, and substituting the following subsection:—

"(3.) At each meeting of the conference the delegates present shall appoint one of their number to be chairman."

Section 17 of
principal Act
amended.

12. Section seventeen of the principal Act is hereby amended by inserting next after the words "both sexes" the words "not being members of the same family."

Section 18 of
principal Act
amended.

13. Section eighteen of the principal Act is hereby amended by inserting next after the word "shipping" the words "exporting, railway," and adding the following proviso at the end of the section:—

"It is further provided that where a shop and office are conjoined in one in the same building and under the one tenancy the two divisions shall not be compelled to close

on two different days, but the entire closing of both on the day appointed for closing the shop shall free the office from the necessity of closing on Saturday, unless Saturday shall be the day appointed for the closing of shops, in which case both shall close on that day."

14. Section twenty-two of the principal Act is hereby amended by repealing the words "or two or more Justices of the Peace in manner provided by 'The Justices of the Peace Act, 1882.'" Section 22 of principal Act amended.

15. Sections twenty-one and twenty-three of the principal Act are hereby amended by inserting next after the word "shop" the words "or office," and next after the word "shopkeeper" the words "or office manager," whenever the words "shop" and "shopkeeper" occur in those sections. Sections 21 and 23 of principal Act amended.

16. Every person who commits any breach of any provision of the principal Act, for which no specific penalty is provided by that Act, is liable to a penalty not exceeding five pounds. Penalty where none provided.

17. Upon a requisition, signed by a three-fifths majority of the shopkeepers in any city or borough, desiring that all shops in the city or borough shall be closed on the evening of Saturday in each week at the hour of nine or ten, of the clock, as expressed by the requisition, the Minister shall, by notice in the *Gazette*, intimate that from and after a day therein mentioned all the shops in the city or borough shall be closed in accordance with such requisition: Provided that no requisition will be gazetted by the Governor in Council until it has been certified to by the City or Borough Council that the signatures to such requisition represent a three-fifths majority of shopkeepers trading within the city or borough limits. Special hours for closing on Saturday nights.