

Hon. Mr. Reeves.

SHOPS AND SHOP-ASSISTANTS ACT AMENDMENT.

ANALYSIS.

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A BILL INTITULED

AN ACT to amend "The Shops and Shop-assistants Act, 1894." Title.

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

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"). Short Title.
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. Conference of delegates.
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,— Local authority or conference may substitute another closing-day.
- (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.

Amendments of
principal Act.

4. The principal Act is hereby amended as follows:—

(1.) As to section two:—

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(a.) By repealing, in the definition of “shop,” all the words after “sale by retail.”

(b.) By adding at the end of the definition of “shop-assistant” the words “and the clerical staff.”

(2.) As to section three: By repealing the second paragraph thereof, and substituting the following:—

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“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.”

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(3.) As to section four: By adding the following new subsection:—

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

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(4.) As to section eight: 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.”

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(5.) As to section ten:—

(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.”

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(b.) 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.”

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(c.) By repealing the last paragraph (to wit, the last four lines) of said section ten.

(6.) As to section eleven: By repealing subsection three thereof, and substituting the following subsection:—

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

(7.) As to section seventeen: By inserting next after the words “both sexes” the words “not being members of the same family.”

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(8.) As to section eighteen: By inserting next after the word “shipping” the word “railway,” and adding the following proviso at the end of the section:—

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New proviso.

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.

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10 (9.) As to section twenty-two: By repealing the words "or two or more Justices of the Peace in manner provided by "The Justices of the Peace Act, 1882."

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(10.) As to sections twenty-one and twenty-three: 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.

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5. In any proceedings for breach of any of the provisions of the principal Act relating to the closing-day, the onus shall be on the defendant to prove—(1) that the day alleged to be the closing-day has not been validly appointed; and also (2) that he is within any of the exemptions of that Act if he claims so to be.

Onus of proof on defendant.

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6. 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.