

Hon. Mr. Reeves.

SHOP-HOURS.

ANALYSIS.

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A BILL INTITULED

AN ACT for Limiting the Hours of Business in Shops.

Title.

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

5 1. The Short Title of this Act is “ The Shop-hours Act, 1891.” Short Title.
 It shall come into operation simultaneously with “ The Factories Act, 1891.”

2. In this Act, unless inconsistent with the context,— Interpretation.

10 “ Board ” means the local Board of Health constituted under
 “ The Public Health Act, 1876,” having jurisdiction in the city or borough or town district where any shop subject to this Act is situated :

15 “ Closed,” with reference to shops, means ~~that goods are no longer sold or offered for sale~~ closed against admission of the public for purposes of trade for the remainder of the day :

“ Inspector ” means an Inspector of factories, work-rooms, and shops appointed under “ The Factories Act, 1891 ” :

20 “ Shop ” means any building, or portion of a building, or place, or vehicle in which goods are exposed or offered for sale by retail :

25 “ Shopkeeper ” means the occupier, as before defined, of a shop person, company, or association employing persons in any shop, or occupying any shop, building, or place intended as, or about to be used as, a shop, and includes any agent, manager, foreman, or other person acting, or apparently acting, in the general management or control of any such shop, and also includes any hawker.

Ordinary hours for closing shops.

3. All shops ~~carrying on business~~ in a city or borough, or town district, except chemists' shops, *milk-shops and herbalists'*, coffee-houses, restaurants, eating-houses, fish and oyster shops, ~~fruit and vegetable shops, and tobacconists' shops,~~ *fruit and vegetable shops, and tobacconists' and hairdressers' shops,* shall be closed in each week at the respective hours mentioned hereunder :—

(1.) On each and every evening of four working-days of the week, at the hour of *six* of the clock ;

(2.) On the evening of one such working-day, at the hour of ~~nine~~ *ten* of the clock ; ~~and~~ 10

New subsection.

(3.) On the evening of the working-day next preceding Christmas Day and New Year's Day at the hour of eleven of the clock, and on the evening of the working-day next preceding Good Friday, Easter Monday, Her Majesty's Birthday, 15 and the Prince of Wales's Birthday at the hour of ten of the clock ; and

(3A.) On the afternoon of one such working-day, at the hour of ~~two~~ *one* of the clock.

New clause. 20

Certain exemptions *re* closing.

3A. If in any shop any trade or business is carried on, or any goods are dealt in, of such descriptions or kinds as would, under the provisions of this Act, necessitate such shop being closed during certain hours, then such shop shall be closed for all purposes during such hours as may be directed by this Act. 25

Extraordinary hours for closing to be fixed by Borough Council.

4. Any City or Borough Council may from time to time, by special order made under "The Municipal Corporations Act, 1886," declare on which working-day of the week the shops, except as aforesaid, in such city or borough, or town district shall close at ~~nine~~ *ten* of the clock in the evening, and by the same or a separate special 30 order may in like manner declare on which working-day in each week the said shops shall close at ~~two~~ *one* of the clock in the afternoon.

Every such special order may be varied or altered by the City or Borough Council as it thinks fit, but not so as to be inconsistent with this Act. 35

Penalty for not closing at prescribed hours.

5. All shops in the city or borough or town district except as aforesaid shall be closed in accordance with this enactment, or in accordance with any special order made thereunder, as the case may be ; and if ~~the occupier of~~ any shopkeeper shall fail or neglect to close his shop as required by this Act, or by any special order made there- 40 under, he shall be liable to a penalty not exceeding ~~twenty five~~ *ten* pounds for each occasion he so fails or neglects.

Women and young persons not to be employed more than fifty-eight hours in a week.

6. A woman, or a person under eighteen years of age, shall not be employed in or about any shop, nor at any work in connection 45 with the shop, for a longer period than *fifty-eight* hours, including meal-times, in any one week.

A woman, or a person under eighteen years of age, shall not, to the knowledge of the shopkeeper ~~of the shop,~~ be employed in any shop who has been previously on the same day employed in a factory or work-room for the number of hours permitted by law, or for a longer 50 period than will complete such number of hours.

Notice of hours to be exhibited in shop.

7. In every shop in which women, or persons under eighteen years of age, are employed a notice shall be kept exhibited by the

shopkeeper of such shop in a conspicuous place therein referring to the provisions of this Act, and stating the number of hours in the week during which women and persons as aforesaid may lawfully be employed therein.

- 5 8. Where any woman, or person under the age of eighteen years, is employed in or about any shop contrary to the provisions of this Act the shopkeeper shall be liable to a fine not exceeding *two* pounds for each person so employed. Penalty on breach.

Struck out.

- 10 9. Nothing in the *three last-preceding* sections shall apply to shops where the persons employed therein are at home; that is to say, are members of the same family dwelling there, or to members of the shopkeeper's family dwelling in a house to which the shop is attached. Certain provisions not to apply to dwelling-house shops.

- 15 10. If it appears to any Inspector that it is required, for the preservation of health, that sitting accommodation should be provided for, or intervals of rest should be afforded to, ~~persons~~ *females* employed in any shop, it shall be the duty of such Inspector to report the facts to the Board, and the Board may, if it think fit, cause written notice to be served upon the shopkeeper requiring such sitting accommodation to be provided for, or such intervals of rest to be afforded to, such persons during the period of their employment, as may be specified in any such notice. Sitting accommodation to be provided.

- 20 If any such shopkeeper fails to comply with the requirements of any notice of the Board under the provisions of this section he shall for every week during which he so fails be liable to a penalty not exceeding *five* pounds. Penalty.

- 25 11. Every Inspector shall have the same right of entry into and of inspection and examination of a shop subject to the provisions of this Act as he would have in respect of a factory or work-room; and in case any shopkeeper shall refuse to allow such entry or inspection and examination, or if he impedes the Inspector in any such inspection or examination, he shall be liable to the like penalty as the occupier of a factory or work-room is liable for refusing to allow or impeding any entry into or examination of such factory or work-room. Inspector to have right of entry and inspection.

- 30 12. Where any person is charged with an offence against this Act, such charge shall be heard, and all penalties imposed by this Act shall be recovered in a summary way, before a Resident Magistrate or two or more Justices of the Peace in the manner provided by "The Justices of the Peace Act, 1882;" and all orders authorised to be made under this Act may be made and enforced in a summary way, as provided by that Act. Summary remedy for offences, &c.

- 35 13. No Justice of the Peace being ~~the owner or occupier of any factory or workroom subject to "The Factories Act, 1891," or of any shop~~ subject to the provisions of this Act *a shopkeeper*, or the father, son, or brother of any such Justice, shall sit or act as a Justice of the Peace under this Act. Justices not to sit in certain cases.

- 40 14. Where an offence for which ~~the occupier of a shopkeeper~~ is liable under this Act to a penalty has, in fact, been committed by some agent, servant, workman, or other person, such agent, servant, workman, or other person shall be liable to the same fine as if he were the ~~occupier~~ *shopkeeper*. Agent liable to penalty in certain cases.

- 45 15. Where ~~the occupier of a shopkeeper~~ is charged with an offence against this Act he shall be entitled, upon information duly laid by If shopkeeper proves some other person liable, such person may be convicted.

him, to have any other person whom he charges as the actual offender brought before the Court at the time appointed for hearing the charge, and if after the commission of the offence has been proved ~~the occupier of the shop~~ *shopkeeper* proves to the satisfaction of the Court that he had used due diligence to enforce the execution of the Act, and that the said other person had committed the offence in question without his knowledge, consent, or connivance, the said other person shall be convicted of such offence, and the ~~occupier~~ *shopkeeper* shall be exempt from any penalty. 5

Inspector may proceed against actual offender in certain cases.

16. After the discovery of an offence under this Act, when it is made to appear to the satisfaction of the Inspector that the ~~occupier of the shop~~ *shopkeeper* had used all due diligence to enforce the execution of this Act, and also by what person such offence had been committed, and also that it had been committed without the knowledge, consent, or connivance of the ~~occupier~~ *shopkeeper*, and in contravention of his orders, then the Inspector shall proceed against the person whom he believes to be the actual offender in the first instance, without first proceeding against the ~~occupier of the shop~~ *shopkeeper*. 10 15

Provisions as to procedure in prosecutions.

17. The following provisions shall have effect with reference to proceedings before the Court for offences and penalties under this Act:— 20

- (1.) The information shall be laid within *one* month, ~~or when the offence is punishable at discretion by imprisonment within two months,~~ after the commission of the offence;
- (2.) It shall be sufficient to allege that a shop is a shop within the meaning of this Act without more;
- (3.) It shall be sufficient to state the name of the ostensible ~~occupier of the shop~~ *shopkeeper*, or the title of the firm, company, or association by which ~~the occupier of the shop~~ *shopkeeper* is usually known;
- (4.) A conviction or order made in any matter arising under this Act, either originally or on appeal, shall not be quashed for want of form;
- (5.) In all cases of summary proceedings under this Act the defendant and his wife shall be competent to give evidence; and
- (6.) Any person aggrieved by a summary conviction under this Act may appeal to the Supreme Court or to a District Court in the manner provided by "The Justices of the Peace Act, 1882." 25 30 35 40

Repeal.

18. The Acts hereunder enumerated are hereby respectively repealed in so far as they apply to shops and the persons employed therein:—

1881, No. 23.—The Employment of Females and Others Act, 1881.

1884, No. 20.—The Employment of Females and Others Act 1881 Amendment Act, 1884. 45

1885, No. 34.—The Employment of Females and Others Act 1881 Amendment Act, 1885.

New clause.

Repairing of agricultural implements or machinery.

19. Nothing in this Act shall prevent the sale or repair at any hour of any parts or fittings of any agricultural implement or machinery which may be necessary to render such implement or machinery fit for use. 50