

Shop Trading Hours (Easter Trading Local Exemption) Bill

Member's Bill

Explanatory note

The purpose of this bill is to confer power on territorial authorities (ie, city councils and district councils) to grant exemption to shops from the restrictions imposed by the Shop Trading Hours Act Repeal Act 1990 on opening on Easter Sunday.

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The Parliament of New Zealand enacts as follows:

1 Title

- (1) This Act is the Shop Trading Hours (Easter Trading Local Exemption) Act **2004**.
- (2) In this Act, the Shop Trading Hours Act Repeal Act 1990¹ is called "the principal Act". 5
- ¹ 1990 No 57

2 Commencement

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

3 Purpose

The purpose of this Act is to authorise territorial authorities to grant exemptions to restricted trading hours for retail shops and to amend the Shop Trading Hours Act Repeal Act 1990. 10

4 Interpretation

Section 2 of the principal Act is amended by inserting, in their appropriate alphabetical order, the following definitions: 15

- “**district** means the district of a territorial authority
- “**territorial authority** has the meaning given to it by section 5(1) of the Local Government Act 2002
- “**working day** means any day of the week other than—
- “(a) a Saturday, a Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign’s birthday, and Waitangi Day: 5
- “(b) any anniversary or other day observed as a public holiday in the district of the territorial authority:
- “(c) a day in the period commencing with 25 December in any year and ending with 15 January in the following year”. 10
- 5 Certain shops may remain open**
- Section 4 of the principal Act is amended by inserting, after subsection (1), the following subsection: 15
- “(1A) Section 3(1) does not apply to a shop in respect of its remaining closed at any time on any day if—
- “(a) that shop is subject to an exemption granted by a territorial authority under **section 4B**; and
- “(b) all conditions (if any) subject to which the exemption was granted are being complied with.” 20
- 6 New sections 4A and 4B inserted**
- The principal Act is amended by inserting, after section 4, the following sections:
- “4A **Application for exemption from requirement that shops be closed on Easter Sunday** 25
- “(1) The occupier of a shop may make application to the territorial authority of the district in which the shop is situated for an exemption from the provisions of section 3(1) so far as they relate to Easter Sunday. 30
- “(2) An application under **subsection (1)** must—
- “(a) be in writing; and
- “(b) state the name of the applicant and the applicant’s address; and
- “(c) state the address and the nature of the business of the shop concerned and the goods for sale there; and 35

- “(d) state the grounds on which an exemption from the provisions of section 3(1) is sought; and
- “(e) be lodged with the principal administrative officer of the territorial authority.
- “(3) An application under this section may relate to 1 or more shops, and may be made jointly by the occupiers of the shops in respect of which the exemption is sought. 5
- “4B Exemptions by territorial authorities**
- “(1) A territorial authority may, if it thinks fit, on an application made under **section 4A**, grant an exemption from the provisions of section 3(1) so far as they relate to Easter Sunday in respect of any shop situated in the district of the territorial authority. 10
- “(2) An exemption may be granted with or without conditions.
- “(3) A territorial authority may not grant an exemption under this section unless— 15
- “(a) the territorial authority has given notice of the application published in 1 or more daily newspapers circulating in the district of the territorial authority (which notice must be given within 10 working days of the territorial authority receiving the application); and 20
- “(b) the territorial authority has allowed a period of 20 working days from publication of the notice under **paragraph (a)** for persons and organisations to make written submissions to the territorial authority on the proposed exemption; and 25
- “(c) the territorial authority has taken into account all the views expressed in submissions made under **paragraph (b)** before deciding whether to grant the exemption.
- “(4) Nothing in section 4(2) limits or affects the power of a territorial authority to grant an exemption under this section. 30
- “(5) Where a territorial authority grants an exemption under this section, the principal administrative officer of the territorial authority must immediately deliver a copy of the exemption to the Secretary of Labour.”