

## HOUSE OF REPRESENTATIVES

## Supplementary Order Paper

Thursday, 29 March 1990

## SHOP TRADING HOURS ACT REPEAL BILL

*Proposed Amendments*

Right Hon. HELEN CLARK, in Committee, to move the following amendments:

To insert, after *clause 1*, the following clauses:

**1A. Interpretation**—In this Act, unless the context otherwise requires,—

“Goods” includes all personal chattels other than liquor (within the meaning of the Sale of Liquor Act 1989), money, and things in action:

“Shop” means a building, place, or part of a building or place, where goods are kept, sold, or offered for sale, by retail; and includes an auction mart, and a barrow, stall, or other subdivision of a market; but does not include—

(a) A private home where the owner or occupier’s effects are being sold (by auction or otherwise); or

(b) A building or place where the only business carried on is that of selling by auction agricultural products, pastoral products, and livestock, or any of them; or

(c) A building or place where the only business carried on is that of selling goods to people who are dealers, and buy the goods to sell them again.

**1B. Shops to be closed on Anzac Day morning, Good Friday, Easter Monday, and Christmas Day**—(1) Unless it is a shop of a class specified in section 1c of this Act, every shop shall remain closed—

(a) Before 1 p.m. on Anzac Day; and

(b) All day on any day that is Good Friday, Easter Sunday, or Christmas Day.

(2) For the purposes of subsection (1) of this section—

(a) A shop that has a common entrance with a factory or warehouse is not closed at any time unless—

(i) The shop’s entrance is then closed; and

(ii) No person in the shop is then selling goods, canvassing for orders of goods, or delivering goods; and

(b) Subject to paragraph (a) of this subsection, a shop is not closed at any time unless—

(i) The shop is then locked, or otherwise secured against entry by members of the public; and

(ii) No person in the shop is then selling goods, canvassing for orders of goods, or delivering goods.

**1c. Certain shops may remain open**—Section 1b (1) of this Act does not apply to a shop if it is—

- (a) A shop where—
- (i) The goods for sale include nothing that is not food, drink, a household item, a personal item, an automotive fuel, an automotive lubricant, an automotive part, or an automotive accessory, of a kind that people may reasonably need to be able to buy at any time; and
  - (ii) The quantity of goods for sale is no greater than that sufficient to meet the demands of the people who live or are staying in the area where the shop is, and people (other than people travelling in order to buy goods at the shop) travelling through the area: or
- (b) A shop whose principal business is selling goods falling into one or other of the following categories:
- (i) Goods intended to be bought as souvenirs:
  - (ii) Duty free goods (that is to say goods sold from or through any premises licensed as an export warehouse under Part IV of the Customs Act 1966 to people intending to take the goods out of New Zealand):
  - (iii) Prepared or cooked food ready to be eaten immediately in the form in which it is sold:
- (c) A shop where pharmaceutical practice is carried on as a business:
- (d) A shop in premises where a *bone fide* exhibition or show devoted (entirely or primarily) to agriculture, art, industry, and science, or any of those matters, is being held.

**1D. Offence**—(1) The occupier of a shop that is not closed in accordance with section 1B of this Act commits an offence against this Act, and is liable, on summary conviction, to a fine not exceeding \$1,000.

(2) For the purposes of subsection (1) of this section,—

(a) The occupier of a shop,—

(i) Includes any agent, manager, supervisor, or other person acting or apparently acting in general management or control of the shop; and

(ii) Where the shop is occupied by a corporation or body of persons (whether incorporated or not), includes the shop's working manager:

(b) A hawker or other person carrying on business by selling goods, or offering goods for sale by retail, otherwise than in a shop who—

(i) Sells goods otherwise than in a shop; or

(ii) Offers goods for sale otherwise than in a shop;

or

(iii) Delivers goods to a customer otherwise than in a shop,—

is deemed to be the occupier of a shop that is not closed.

(3) In any proceedings for an offence against this Act,—

(a) It is sufficient to allege in the information that a place is a shop and to state in the information the name of its ostensible occupier, or a style or title under which its occupier is usually known or carries on business; and

(b) The information may from time to time be amended as to the actual name of the occupier of the place.