



**THE CLOSING OF SHOPS (LATE NIGHT) EMERGENCY
REGULATIONS 1942**

C. L. N. NEWALL, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 5th day of
January, 1942.

Present :

THE RIGHT HON. P. FRASER PRESIDING IN COUNCIL.

PURSUANT to the Emergency Regulations Act, 1939, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS.

1. These regulations may be cited as the Closing of Shops (Late Night) Emergency Regulations 1942.

INTERPRETATION.

2. In these regulations, unless the context otherwise requires,—

“Award” means an award of the Court of Arbitration :

“Late night”, in respect of any shop, means that night in any week when, in accordance with the Shops and Offices Act, 1921–22, or any award, the shop may be kept open and the assistants may be employed until a later closing-time than on any other day of the week :

“Local authority” means any City Council, Borough Council, Town Board, or County Council, and includes the Road Board of a road district in the County of Eden :

“Minister” means the Minister of National Service :

“Occupier”, in relation to any shop, means the occupier within the meaning of the Shops and Offices Act, 1921–22 :

“Shop” has the same meaning as in the Shops and Offices Act, 1921–22.

CLOSING-HOURS OF SHOPS ON LATE NIGHTS.

3. (1) If, having regard to the exigencies of the present war, the Minister thinks it necessary or expedient so to do, he may authorize or direct any local authority to fix, in respect of the late night observed by shops within its district, an earlier closing-time than the closing-time fixed in accordance with the Shops and Offices Act, 1921–22, or any award.

(2) Any authority or direction given pursuant to the last preceding subclause may be given to a specified local authority or to all local authorities, or may be given to all local authorities within a specified area or locality, or may be given to all local authorities of a specified class or of specified classes within any such area or locality.

4. (1) Subject to the terms of any authority or direction given by the Minister under the last preceding clause, every local authority may, and if so directed by the Minister shall, by notice published in one or more newspapers circulating in the district, and in such other manner, if any, as it thinks fit, fix in respect of all shops within its district, or in respect of shops of any specified class or of specified classes, or of all shops with the exception of any specified shops or specified classes of shops, a closing-time on the late night earlier than the closing-time fixed in accordance with the Shops and Offices Act, 1921-22, or any award, as the case may be.

(2) By the same or another like notice any local authority that has fixed the closing-time to be observed by any shop or shops on the late night may authorize the occupier of any such shop to keep the shop open and to employ assistants on any other day or days of the week after the ordinary closing-time, but so that in any week the total length of time during which the shop may be kept open or any assistants may be employed shall not exceed the total length of time for which the shop could have been kept open or such assistants have been employed during that week if the closing-time on the late night had not been altered.

(3) Notwithstanding anything to the contrary in the Shops and Offices Act, 1921-22 or in any award, any overtime rate of wages prescribed by that Act or award shall not be payable to any assistant in respect of any time worked by him before six o'clock in the afternoon of any day on which extended hours are worked pursuant to the last preceding subclause.

(4) Any notice given by a local authority under this clause may, subject to the authority or direction given by the Minister pursuant to clause 3 hereof, be in like manner amended or revoked.

(5) The powers conferred on any local authority pursuant to these regulations may be exercised by the Mayor or Chairman if in his opinion it is not practicable or convenient to summon a meeting of the local authority for the purpose. In any such case the action of the Mayor or Chairman shall be submitted to the local authority for confirmation at its next ordinary meeting.

OFFENCES.

5. (1) In respect of any shop for which the closing-time has been altered pursuant to these regulations, the Shops and Offices Act, 1921-22, or any award (as the case may be) shall be read as if the closing-time fixed pursuant to these regulations were the closing-time fixed by or pursuant to the said Act or award.

(2) Every person who by failure to observe the closing-time of any shop as fixed pursuant to these regulations commits an offence against the Shops and Offices Act, 1921-22, shall be deemed to have also committed an offence against the Emergency Regulations Act, 1939, and proceedings in respect of the offence may be taken either under the Shops and Offices Act, 1921-22, or under the Emergency Regulations Act, 1939, but proceedings in respect of the same subject-matter shall not be taken against any person under both of those Acts.

T. J. SHERRARD,
Acting Clerk of the Executive Council.