



ANALYSIS

Title	2. Penalties for offences
1. Short Title	3. Powers of Inspectors

1978, No. 123

An Act to amend the Shops and Offices Act 1955

[20 October 1978]

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

1. Short Title—This Act may be cited as the Shops and Offices Amendment Act 1978, and shall be read together with and deemed part of the Shops and Offices Act 1955 (hereinafter referred to as the principal Act).

2. Penalties for offences—(1) The principal Act is hereby amended by repealing section 38, and substituting the following section:

“38. (1) Every person who commits an offence against this Act shall be liable on summary conviction—

“(a) In the case of an offence against section 18 (3) of this Act, to a fine not exceeding \$100:

“(b) In the case of an offence against section 28 (3) of this Act, to a fine not exceeding \$100:

“(c) In the case of an offence against section 30 (3) of this Act, to fine not exceeding \$50:

“(d) In the case of an offence against section 35 of this Act, to a fine not exceeding \$50:

“(e) In the case of an offence against section 36 of this Act, to a fine not exceeding \$2,000, or to imprisonment for a term not exceeding 3 months:

“(f) In the case of an offence against a provision of this Act not specified in paragraphs (a) to (e) of this subsection, or against any regulation made under this Act in respect of which no specific penalty is elsewhere provided, to a fine not exceeding \$2,000 and, if the offence is a continuing one, to a further fine not exceeding \$100 for every day or part of a day during which the offence has continued.

“(2) A fine imposed in respect of an offence against section 28 (3) of this Act shall be irrespective of any fine to which the defendant is liable in respect of the original offence concerned.”

(2) Section 18 (3) of the principal Act is hereby consequentially amended by omitting the words “shall be liable on summary conviction to a fine not exceeding \$100”, and substituting the words “commits an offence against this Act”.

(3) Section 28 (3) of the principal Act is hereby consequentially amended by omitting the words “, and shall be liable on summary conviction to a fine not exceeding \$100 for every day during which the default continues. Any fine imposed under this section shall be irrespective of any fine to which the defendant is liable in respect of the original offence”.

(4) Section 30 (3) of the principal Act is hereby consequentially amended by omitting the words “shall be liable on summary conviction to a fine not exceeding \$50”, and substituting the words “commits an offence against this Act”.

(5) Section 35 of the principal Act is hereby consequentially amended by omitting the words “, and shall be liable on summary conviction to a fine not exceeding \$50 for each such offence”.

(6) Section 36 of the principal Act is hereby consequentially amended by omitting the words “and shall be liable on summary conviction to a fine not exceeding \$1,000, or to imprisonment for a term not exceeding three months.”.

(7) The Shops and Offices Amendment Act 1975 is hereby consequentially repealed.

3. Powers of Inspectors—(1) Section 44 (1) of the principal Act is hereby amended by repealing paragraph (a), and substituting the following paragraphs:

“(a) Enter any shop, office, warehouse, or store at all reasonable hours by day and night, and enter by day any place that he has reasonable cause to believe to be a shop, office, warehouse, or store, or to have a shop, office, warehouse, or store within its premises:

“(aa) Make such inspections, examinations, tests, and inquiries, and take such samples and photographs, as are necessary to ascertain whether the provisions of this Act have been or are being complied with as regards any shop, office, warehouse, store, or place, or any persons working in it; and where any such sample is taken, the Inspector concerned shall, if so requested, deliver part of it to the occupier of the shop, office, warehouse, store, or place, concerned.”

(2) Section 44 of the principal Act is hereby further amended by adding the following subsections:

“(6) Except for the purposes of this Act and the exercise of his functions under this Act, or with the consent of the Minister, an Inspector shall not disclose to any person any information that he acquires in the exercise of those functions:

“Provided that if so requested by a Coroner, an Inspector shall provide him with a written report relating to the circumstances of any fatal accident.

“(7) Every person who acts in contravention of subsection (6) of this section commits an offence against this Act.”

(3) Section 46 of the principal Act is hereby consequentially repealed.