

New Zealand.



ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Interpretation. 3. Shops to close on one working-day at one o'clock. 4. Particular exceptions. 5. Penalty for keeping employes after hours. 6. Penalty for not closing at prescribed hours. 7. Supply of goods to shops after prescribed hours. 8. Assistants in shops not included in foregoing to have weekly half-holiday. 9. Mode in which day for closing shops to be fixed. 10. Saturday closing day, after notice to Inspector, in certain cases. Governor may appoint day in certain cases. Exception with regard to butchers, hairdressers, and photographers. 11. Provisions for regulating proceedings of any conference. | <ol style="list-style-type: none"> 12. Women and young persons not to be employed more than fifty-two hours in a week. Interval for refreshments. Previous employment on same day. 13. Notice of hours to be exhibited in shop. 14. Penalty on breach. 15. Sitting accommodation for females employed in shops. 16. Dinner-hour for shop-assistants. 17. Shops to be kept clean. 18. Closing-hour for offices. 19. Exception with regard to offices. 20. Agent liable to penalty in certain cases. 21. Inspectors of Factories to see Act properly carried out. Their powers. 22. Summary remedy for offences, &c. 23. Provisions as to procedure in prosecutions. 24. Repeal. |
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1894, No. 32.

AN ACT for limiting the Hours of Business in Shops.

[18th October, 1894.]

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

1. The Short Title of this Act is "The Shops and Shop-assistants Act, 1894," and it shall come into operation on the first day of January, in the year one thousand eight hundred and ninety-five.

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

"Closed," with reference to shops, means closed against admission of the public for purposes of trade for the remainder of the day:

"Inspector" means an Inspector of Factories and workrooms appointed under "The Factories Act, 1891," or any Act passed in substitution therefor:

"Office" means any building or place used as a banking office, insurance office, or for any other commercial purpose:

"Office employé" means any person employed in any office as defined in the preceding paragraph:

"Shop" means any building, or portion of a building, or place in which goods are exposed or offered for sale by retail, but does not include a shop the business whereof is *bonâ*

Title.

Short Title.

Interpretation.

vide owned and conducted by any person of New Zealand or European extraction, whether solely or with the assistance of members of his or her family below the age of eighteen years who reside on the premises :

“ Shop-assistant ” means any person or any member of the shopkeeper’s family who works in a shop for hire or maintenance, and includes apprentices and improvers :

“ Shopkeeper ” means the person, company, or association employing any person for hire 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 :

“ Special resolution ” means a resolution passed at a special meeting of the City or Borough Council or Town Board respectively, and of which meeting public notice shall have been given by advertisement at least seven days prior to the date of meeting.

Shops to close on one working-day at one o’clock.

3. All shops in a city, borough, or town district, except those wherein is carried on exclusively one or more of the businesses of a fishmonger, a fruiterer, a confectioner, a coffee-house keeper, an eating-house keeper, or the keeper of a book-stall on a railway-platform, shall be closed in each week on the afternoon of one working-day at the hour of one of the clock.

Whenever any day in any week is a public holiday or half-holiday, then it shall not be incumbent on any shopkeeper who closed his shop on such public holiday or half-holiday to close it also on the half-holiday provided by this Act.

Particular exceptions.

4. Notwithstanding anything contained in this Act,—

(1.) All shops in any city, borough, or town district may continue to be open in the afternoon of the working-day next preceding Christmas Day, New Year’s Day, Good Friday, and the Sovereign’s Birthday, and Easter Monday respectively, although such working-day may be the day appointed for the closing of shops at the hour of one of the clock in the afternoon in such city, borough, or town district ;

(2.) All chemists’ shops may be opened for the supply of medicines and surgical appliances only between the hours of seven and nine o’clock in the evening, but not longer, on the day appointed for the closing of shops ; and

(3.) Any chemist may, at any time in the afternoon of a day appointed for the closing of shops, supply any medicine or surgical appliance which is urgently required ; but he shall then open his shop only for such purpose.

Penalty for keeping employes after hours.

5. If any shop-assistant or office employé be employed in the ordinary course of his business in any shop or office later than half an hour after the prescribed time of closing, the employer shall be liable to a penalty not exceeding five pounds for each offence in respect of each shop-assistant or office employé so employed.

Penalty for not closing at prescribed hours.

6. All shops in any city, borough, or town district, except as aforesaid, shall be closed in accordance with this Act ; and if any

shopkeeper shall fail or neglect to so close his shop he shall be liable to a penalty not exceeding five pounds for each occasion upon which he so fails or neglects.

7. It shall not be deemed an offence against the provisions of this Act if a shopkeeper employ any person or keep open his shop at a port after the prescribed time of closing merely for the purpose of supplying goods to any ship, steamer, or boat arriving at such port.

Supply of goods to ships after prescribed hours.

8. All shop-assistants in shops outside the limits of cities, boroughs, and town districts, and all assistants employed in hotel bars within or without such limits, shall have a half-holiday from the hour of one of the clock in the afternoon of some working-day in each week; and notwithstanding anything contained in section three, every shop-assistant in excepted shops shall have a half-holiday from the hour of one of the clock in the afternoon of some working-day in each week.

Assistants in shops not included in foregoing to have weekly half-holiday.

If any shopkeeper shall offend against the provisions of this section by allowing any shop-assistant as aforesaid to continue at work during such half-holiday he shall for every such offence be liable to a penalty not exceeding five pounds.

9. The day on which shops are to be closed in accordance with this Act shall be appointed by the local authority by special resolution in the month of January next, and in the same month in every year, and the day so appointed shall continue to be the day for closing until some other day shall have been appointed.

Mode in which day for closing shops to be fixed.

Any two or more boroughs or town districts, any part of any one of which is situate within a mile of any part of another, shall be deemed to constitute a district for the purposes of this Act; and in all boroughs and town districts comprised in any such district the day appointed for the closing of shops shall be the same, and such day shall be appointed in manner following:—

- (1.) A conference of delegates appointed by all the local authorities comprised in any such district shall be held in the month of January next, and in the month of January in every year thereafter, for the purpose of deciding on which day of the week shops shall be closed in such district, in accordance with the provisions of this Act.
- (2.) Each local authority comprised in any such district (not being a city) shall appoint one delegate to each such conference, and any borough being a city in such district shall appoint a number being one more than the number of delegates appointed by all the other local authorities in such district.
- (3.) All delegates shall be members of the local authority, and in the case of a city the Mayor shall be *ex officio* one of the delegates for such city. The number of delegates which any such city is entitled to appoint shall constitute a quorum of the conference.
- (4.) Such conference shall decide which day of the week shall be the day on which all shops in the district shall be closed as provided by this Act; and the Chairman shall forthwith notify in writing to the Minister of Labour which day has been so decided upon, and the Minister

shall by notice in the *Gazette* appoint that day to be the day for closing accordingly; and the day so appointed shall continue to be the day for closing until the Minister shall have appointed some other day in accordance with the decision of another conference; and the production of the *Gazette* notice shall be conclusive proof of the day named therein being the day appointed for closing shops in the district.

Saturday closing-day, after notice to Inspector, in certain cases.

10. In the event of any day other than Saturday being appointed by the local authority as closing-day under this Act, then any shop-keeper shall be entitled to close his shop on Saturday in lieu thereof, on giving notice to the Inspector of his desire to do so. Such notice shall be lodged with the Inspector during the month of January in each year, and shall be taken as proof of the facts therein stated.

Governor may appoint day in certain cases.

In the event of any local authority failing so to appoint a day or of any conference failing to meet or to decide upon a day on which shops in the district are to be closed, then the Governor may by Order in Council appoint such day, and the day so appointed shall continue to be the day on which shops are to be closed in the borough, town district, or district respectively until some other day shall have been duly appointed, and such Order in Council shall be conclusive proof of all the facts stated therein.

Exception with regard to butchers, hairdressers, and photographers.

Provided that, in the event of Saturday being the day so appointed, any other day of the week may be appointed as the day on which butchers', hairdressers', and photographers' shops are to be closed in lieu of Saturday.

Provisions for regulating proceedings of any conference.

11. For regulating the proceedings of any conference, the following provisions shall apply, that is to say:—

- (1.) The conference shall be held at the Council Chamber or offices of the city or borough having the largest population, and at such time as shall be fixed by the Council of the said city or borough:
- (2.) The Mayor of such city or borough shall, by letter, notify the place and time appointed for the meeting of the conference to all the local authorities, requesting them each to appoint their delegate and to require him to attend at the said place and time:
- (3.) At the first meeting of the delegates, they shall appoint a Chairman to preside at all their meetings:
- (4.) The rules for the conduct of business at meetings of the aforesaid City or Borough Council shall be the rules for the conduct of business at the conference, and shall apply in the same manner as if the delegates were members of the aforesaid Council.

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

12. A woman, or a person under eighteen years of age, shall not work for hire or maintenance in or about any shop, nor at any work in connection with the shop, for a longer period than fifty-two hours, excluding meal-times, in any one week, nor for a longer period than nine hours and a half, excluding meal-times, in any one day, except on one day in each week, when eleven and a half hours' work may be done: Provided that the persons employed in a shop or workroom may, with the consent of the Inspector, be employed for a period not

exceeding three hours in any one day beyond the ordinary working-hours on not more than forty days in any one year for the purposes of stocktaking.

No woman, or person under eighteen years of age, shall be employed more than five consecutive hours without being granted an interval of not less than half an hour for refreshments. Interval for refreshments.

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

13. In every shop in which women, or persons under eighteen years of age, are employed a notice shall be kept exhibited by the shopkeeper in a conspicuous place therein stating the number of hours in the week during which women and persons as aforesaid may lawfully be employed therein. Notice of hours to be exhibited in shop.

14. 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 penalty not exceeding two pounds for each person so employed. Penalty on breach.

15. Every shopkeeper is hereby required to provide proper sitting accommodation for females employed in his shop, and if any shopkeeper fails to comply with the requirements of this section he shall for every week during which he so fails be liable to a penalty not exceeding five pounds. Sitting accommodation for females employed in shops.

No shopkeeper shall—

- (a.) Directly or indirectly prohibit or prevent, or make any rule or regulation prohibiting, any female employed in his shop from being seated when not actually and immediately engaged in the course of her employment ;
- (b.) Require any such female to be so continuously employed in an employment the course of which requires her to remain standing as that reasonable intervals are not allowed to her in each day during which she may use the sitting-accommodation provided ;
- (c.) Dismiss from his employment or reduce the wages of any female on the ground that she has made use of such sitting-accommodation, unless it be proved that she has used it for an unreasonably long time or an unreasonable number of times on any day.

Any shopkeeper who shall offend against any provision of this section shall for every such offence be liable to a penalty not exceeding ten pounds.

16. Shop-assistants shall be entitled to one hour for dinner.

Dinner-hour for shop-assistants.

17. Every shop or business establishment shall be kept in a cleanly state, and free from effluvia arising from any drain, privy, or other nuisance, and shall be ventilated in a practical and efficient manner. Shops to be kept clean.

Where members of both sexes are working in the same shop or business establishment there shall be sufficient watercloset or privy accommodation for each sex, separated in such manner as to insure privacy, to the satisfaction of the Inspector.

Closing-hour for
offices.

Where members of one sex only are employed in a shop or business establishment, sufficient watercloset or privy accommodation shall be provided to the satisfaction of the Inspector.

18. The closing-hour of all offices shall be not later than five o'clock in the afternoon of each week-day except Saturday, when the closing-hour shall be not later than one o'clock in the afternoon: Provided that cashiers, ledger-keepers, and cash-book-keepers in any office may, before leaving their offices, balance the books in their charge of the day's transactions, and provided further that exception shall be made in respect of not exceeding six days in each calendar month, when employes may be required to continue at work or to return to work for not exceeding three hours in any one day: It is further provided that this section shall not apply to shipping, tramway, and newspaper offices.

Exception with
regard to offices.

19. Offices shall be excepted from the operation of the last-preceding section during two periods of four weeks each in every year for the purposes of their half-yearly balances.

Agent liable to
penalty in certain
cases.

20. Where an offence for which 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 penalty as if he were the shopkeeper.

Inspectors of Fac-
tories to see Act
properly carried out.

21. It shall be the duty of every Inspector to see that the provisions of this Act are properly carried out, and to prosecute all persons guilty of any breach thereof.

Their powers.

For the purpose of carrying out the provisions of this Act, 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 workroom; and, in case any shopkeeper shall refuse to allow such entry or inspection and examination, he shall be liable to the like penalty as the occupier of a factory or workroom is liable to for refusing to allow or impeding any entry into or examination of such factory or workroom.

Summary remedy
for offences, &c.

22. 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 Stipendiary Magistrate, or two or more Justices of the Peace, in the manner provided by "The Justices of the Peace Act, 1882."

Provisions as to
procedure in pro-
secutions.

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

- (1.) The information shall be laid within one month 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 shopkeeper, or the title of the firm, company, or association by which the 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; and

- (5.) The Inspector and every other person who may be dissatisfied with the judgment of the Court on any summary proceedings 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."

24. "The Shops and Shop-assistants Act, 1892," is hereby Repealed.
repealed.