



## ANALYSIS

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1982, No. 25

**An Act to amend the Shop Trading Hours Act 1977**

[12 October 1982]

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 Shop Trading Hours Amendment Act 1982, and shall be read together with and deemed part of the Shop Trading Hours Act 1977 (hereinafter referred to as the principal Act).

**2. Interpretation**—(1) Section 2 of the principal Act is hereby amended by repealing the definition of the term “dairy-mixed business” (as inserted by section 7 (2) of the Shop Trading Hours Amendment Act 1980), and substituting the following definition:

“ ‘Dairy-mixed business’ means a shop where—

“(a) Whether or not there is also offered for sale any other milk or milk product, liquid milk (not being ultra heat treated milk within the meaning of regulation 120A of the Food and Drug Regulations

1973, evaporated milk, condensed milk, or reconstituted milk) is offered for sale, in the form in which it was purchased, for use or human consumption off the premises of that shop; and

“(b) The other goods offered for sale are at all times limited (either entirely or to a great degree) in both quantity and kind to those sufficient to provide the persons residing or staying in the immediate area in which the shop is situated, and travellers passing through that area (otherwise than for the purpose of purchasing goods at that shop) with the food, beverages, and household and personal items, that they may reasonably require to purchase on a Sunday.”.

(2) Section 7 (2) of the Shop Trading Hours Amendment Act 1980 is hereby consequentially repealed.

**3. Exhibitions and shows**—(1) The principal Act is hereby amended by repealing section 15A (as inserted by section 5 (1) of the Shop Trading Hours Amendment Act 1980) and substituting the following section:

“15A. (1) Where the Secretary is satisfied that—

“(a) An exhibition or show proposed to be held in any premises will be a *bona fide* exhibition or show—

“(i) Solely or primarily devoted to agriculture, art, industry, and science, or to any of those matters; and

“(ii) Lasting for no longer than 4 weeks; and

“(b) The quantity and range of goods proposed to be sold in a specified area (being an area that includes all or part of those premises, but that may also include other premises adjacent to or near those premises) during that exhibition or show will not exceed those that persons attending that exhibition or show may reasonably expect to be able to purchase while doing so,—

he may, by writing under his hand, authorise all shops situated in that area to be open between such hours and on such days, and subject to such conditions, as the Secretary specifies; and any shop situated in that area may be open accordingly.”

(2) Section 23 (1) of the principal Act is hereby amended—

(a) By inserting, before the word “order” the words “authority or”; and

(b) By omitting the words “section 20 of”.

(3) Section 5 (1) of the Shop Trading Hours Amendment Act 1980 is hereby consequentially repealed.

**4. Hearings and orders**—(1) Section 20 of the principal Act is hereby amended by inserting, after subsection (7), the following subsection:

“(7A) Where—

“(a) The occupier of a shop in respect of which an order under this section (not being an order applying to all the shops in any area) is in force, applies to the Commission under subsection (7) of this section for that order to be amended; and

“(b) The Commission is satisfied that—

“(i) The amendment concerned is of so minor a nature that no injustice will be done to any person if the application is granted without the holding of any hearing; and

“(ii) The application should be granted,—  
the Commission may grant the application and notify the Secretary accordingly; and in that case the Secretary shall so inform the applicant, and neither subsections (2) and (3) of section 19 of this Act nor subsection (1) of this section shall apply to that application.”

(2) The said subsection (7) is hereby consequentially amended by inserting, before the words “the provisions”, the words “, subject to subsection (7A) of this section,”.

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This Act is administered in the Department of Labour.

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