

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

*House of Representatives,
22nd September, 1893.*

Hon. Mr. Reeves.

SHOPS AND SHOP-ASSISTANTS.

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A BILL INTITULED

AN ACT for limiting the Hours of Business in Shops.

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

<p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p>	<p>1. The Short Title of this Act is "The Shops and Shop-assistants Act, 1893," and it shall come into operation on the first day of January, in the year one thousand eight hundred and ninety-four</p> <p>2. In this Act, unless inconsistent with the context,—</p> <p>"Closed," with reference to shops, means closed against admission of the public for purposes of trade for the remainder of the day:</p> <p>"Inspector" means an Inspector of Factories and work-rooms appointed under "The Factories Act, 1891":</p> <p>"Shop" means any building, or portion of a building, or place, in which goods are exposed or offered for sale by retail:</p> <p>"Shopkeeper" means the person, company, or association employing persons 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.</p> <p>"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.</p>	<p>Title.</p> <p>Short Title.</p> <p>Interpretation.</p>
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All shops to close on Saturdays at one o'clock.

3. All shops in a city, borough, or town district, except fishmongers, fruiterers, coffee-houses, restaurants, and eating-houses, shall be closed in each week on the afternoon of Saturday at the hour of one of the clock.

General exceptions.

No shop wherein the sole or main trade or business, or the principal description or kind of goods dealt in, are not of the trade, business, or character usually carried on, or dealt in, at one or other of the shops mentioned in the foregoing exception, shall be deemed to be excepted from the provisions of this section as to closing. 5

Particular exceptions.

4. Notwithstanding anything contained in this Act,— 10

(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; 15

(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 20

(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 he may prove to have been urgently required; but he shall not then open his shop for such purpose. 25

Penalty for keeping employes after hours.

5. If any shopkeeper shall employ any person in the ordinary course of his business in his shop later than half an hour after the prescribed time of closing, he shall be liable to a penalty not exceeding *five* pounds for each offence in respect of each person so employed. 30

Penalty for not closing at prescribed hours.

6. All shops in the city, borough, or town district, except as aforesaid, shall be closed in accordance with this Act, or in accordance with any special order or by-law made thereunder, as the case may be; and if any shopkeeper shall fail or neglect to close his shop as required by this Act, or by any special order or by-law made thereunder, he shall be liable to a penalty not exceeding *five* pounds for each occasion upon which he so fails or neglects. 35

Supply of goods to ships after prescribed hours.

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, if such ship, steamer, or boat depart therefrom within twelve hours after arrival. 40

Assistants to have weekly half-holiday.

8. All 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 assistant in excepted shops shall, on some working-day in each week, have a half-holiday from the hour of one of the clock in the afternoon. 45 50

9. Every City or Borough Council and every Town Board may from time to time, by special resolution as herein defined, change the day appointed by this Act, and declare on which working-day of the week the shops, except as aforesaid, in such city, borough, or town district shall close at one of the clock in the afternoon, and may appoint a special day in respect of any special class of shops.

Days for closing may be changed by Borough Council.

Every such special resolution may be varied or altered by the City or Borough Council or Town Board as it thinks fit respectively, but not so as to be inconsistent with this Act.

10 But where any city or borough and town district, or two or more thereof, have any boundary or part of a boundary in common, the Council of such city or borough and the Town Board of the town district shall respectively each nominate one of their members as delegates to meet together in conference, who shall decide amongst themselves which would be the most convenient working-day, other than Saturday, for closing the shops or any class of shops in all the contiguous districts represented by the nominating bodies, and may vary or alter any decision made by such conference at a previous meeting; and upon the report of their delegates the respective Councils and Board shall change the day appointed by this Act, and shall, by special resolution as aforesaid respectively, declare the day recommended in the report of the delegates as the day on which the shops shall be closed in all the said districts: Provided that at any such conference the Cities of Wellington, Auckland, Dunedin, and Christchurch shall be entitled to be represented by one-half of the number of delegates entitled to attend such conference, and when the number of delegates is uneven, then by one-half of the number plus one.

Special order or by-law to change day.

30 If any City or Borough Council or Town Board fails to pass any such special resolution within a reasonable time, the Governor may, by Order in Council, prescribe regulations in lieu of such special resolution; and all provisions of this Act shall be read as applying to any such Order in Council or regulations thereunder, as if the same respectively were a special resolution made under the provisions of this Act by a City or Borough Council, or Town Board, as the case may be.

Governor may prescribe regulations in certain cases.

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

Provisions for regulating proceedings of any conference.

- 40 (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;
- 45 (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;
- 50 (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-eight hours in a week.

11. A woman, or a person under eighteen years of age, shall not work for hire in or about any shop, nor at any work in connection with the shop, for a longer period than fifty-eight hours, including meal-times, in any one week.

Interval for refreshments.

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. 5

Previous employment on same day.

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. 10

Notice of hours to be exhibited in shop.

12. 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 referring to the provisions of this Act, and stating the number of hours in the week during which women and persons as aforesaid may lawfully be employed therein. 15

Penalty on breach.

13. 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. 20

Sitting accommodation for females employed in shops.

14. 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. 25

Agent liable to penalty in certain cases.

15. 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. 30

Inspectors of Factories to see Act properly carried out.

16. 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. 35

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 work-room is liable to for refusing to allow or impeding any entry into or examination of such factory or work-room. 40

Summary remedy for offences, &c.

17. 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 Resident Magistrate or two or more Justices of the Peace, in the manner provided by "The Justices of the Peace Act, 1882." 45

Provisions as to procedure in prosecutions.

18. The following provisions shall have effect with reference to proceedings before the Court for offences and penalties under this Act:— 50

- (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 ;
- 5 (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
10 for want of form ; and
- (5.) Any person aggrieved by a summary conviction 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."
- 15 19. "The Shops and Shop-Assistants Act, 1892," is hereby ^{Repeal.} repealed.

By Authority: SAMUEL COSTALL, Government Printer, Wellington.—1893.