

Hon. Mr. Reeves.

SHOPS AND SHOP-ASSISTANTS.

ANALYSIS.

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A BILL INTITULED

AN ACT for limiting the Hours of Business in Shops.

Title.

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

Short Title.

Interpretation.

- 5 1. The Short Title of this Act is "The Shops and Shop-assistants Act, 1893."
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:
 - 10 "Inspector" means an Inspector of Factories and work-rooms appointed under "The Factories Act, 1891":
 - "Shop" means any building, or portion of a building, or place, in which goods are exposed or offered for sale by retail:
 - 15 "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.
 - 20 3. All shops in a city, borough, or town district, except 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.

All shops to close on Saturdays at one o'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,—

(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, and Good Friday 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; 10

(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 15

(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 for which he has received from a duly-registered medical practitioner a written order that the same is urgently required; but he shall not then open his shop for such purpose. 20

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. 25

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. 30

Assistants to have weekly half-holiday.

7. 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. 35

Afternoons for closing may be changed by Borough Council.

8. Every City or Borough Council may from time to time, by special order made under "The Municipal Corporations Act, 1886," and every Town Board may, by by-law to be made as directed in "The Town Districts Act, 1881," 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; but the same day shall be so appointed in respect of all classes of shops. 40 45

But where two or more boroughs, or any borough or boroughs and a town district, have any boundary in common, the Council or Councils of such borough or boroughs and the Town Board of the town district may respectively, if they think fit, each nominate two of their members as delegates to meet together in conference, who may decide 50

amongst themselves which would be the most convenient working-day, other than Saturday, for closing the shops in all the contiguous districts represented by the nominating bodies ; and upon the report of their delegates the respective Councils and Board may change the

5 day appointed by this Act, and shall, by special order or by-law 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.

10 Every such special order or by-law may be varied or altered by the City or Borough Council and Town Board as they think fit, but not so as to be inconsistent with this Act.

9. 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

15 meal-times, in any one week.

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

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

20 will complete such number of hours.

10. 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

25 which women and persons as aforesaid may lawfully be employed therein.

Notice of hours to be exhibited in shop.

11. 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

30 two pounds for each person so employed.

Penalty on breach.

12. 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

35 not exceeding five pounds.

Sitting accommodation for females employed in shops.

13. 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

40 shopkeeper.

Agent liable to penalty in certain cases.

14. 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.

Inspectors of Factories to see Act properly carried out.

For the purpose of carrying out the provisions of this Act,

45 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 work-room ; and in case any shopkeeper shall refuse to allow such entry or inspection and examination, he shall be liable to the like penalty

50 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.

Their powers.

Summary remedy
for offences, &c.

15. 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."

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Provisions as to
procedure in pro-
secutions.

16. 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; 10
- (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; 15
- (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.) Any person aggrieved by a summary conviction under this Act may appeal to the Supreme Court or to a District 20 Court in the manner provided by "The Justices of the Peace Act, 1882."

Repeal.

17. "The Shops and Shop-Assistants Act, 1892," is hereby repealed.