

**SHOP HOURS ACT****Principal Act**

<b>Act. No. 1922-05</b>	<i>Commencement</i>	12.5.1922
	<i>Assent</i>	12.5.1922

Amending enactments	Relevant current provisions	Commencement date
Acts. 1990-52	ss. 2, 4, 5, 6, 7, 8, 9, 10, 13, 16 & Sch. 1	22.11.1990
2007-17	ss. 15, 16	14.6.2007

English sources

None cited

**ARRANGEMENT OF SECTIONS.**

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**SCHEDULE 1.**

Retail trade or business

AN ACT TO REGULATE THE HOURS OF EMPLOYMENT OF SHOP ASSISTANTS.

**Short title.**

1. This Act may be cited as the Shop Hours Act.

**Interpretation.**

2. In this Act, unless the context otherwise requires,—

“child” means a person under the age of 15 years;

“Director” means the person appointed by the Government to administer the provisions of this Act;

“inspector” means an inspector appointed under section 10;

“retail trade or business” has the meaning given to it in Schedule 1;

“shop” includes any premises where any retail trade or business is carried on;

“shop assistant” means any person wholly or mainly employed in a shop in connection with the serving of customers or the receipt of orders or the despatch of goods;

“theatre” includes any place used for the exhibition of pictures or other optical effects by means of a cinematograph or other suitable apparatus and any music hall or other similar place of entertainment;

“week” means the period between midnight on Saturday night and midnight on the succeeding Saturday night;

“young person” means a person who has ceased to be a child and is under the age of 18 years.

**Exemptions.**

3. Nothing in this Act shall apply to any fair lawfully held or to any bazaar or sale of work for charitable or other purposes from which no private profit is derived.

4. *Revoked.*

5. *Revoked.*

6. *Revoked.*

7. *Revoked.*

8. *Revoked.*

9. *Revoked.*

**Inspectors.**

10. (1) The Director may appoint one or more inspectors who shall for the purpose of ascertaining whether the provisions of this Act are being or have been complied with, be authorized at all reasonable times to enter any shop and make such examination and inquiry and ask such questions of any person in the shop as may be reasonably necessary for that purpose.

(2) A person who—

- (a) wilfully delays or obstructs an inspector in the exercise of any power under this section; or
- (b) refuses or neglects to answer any question or to furnish any information when required so to do by an inspector under this section, is guilty of an offence and is liable on summary conviction to a fine of £500:

Provided that no person shall be required under this section to answer any question tending to incriminate himself.

(3) Every inspector shall be furnished with a certificate of his authorization under this section, and on entering any shop for the purposes of this section shall, if so required, produce such certificate.

**Burden of proof.**

11. A person found in any shop engaged in the serving of customers, the receipt of orders or the movement of goods shall, for the purposes of this Act, be deemed to be at work therein unless the contrary be shown.

**Provisions with respect to offences.**

12. (1) Where an offence for which the occupier of a shop is liable under this Act has in fact been committed by some manager, agent, servant or other person, the manager, agent, servant or other person is liable to the like penalty as if he were the occupier.

(2) Where the occupier of a shop is charged with an offence against this Act he shall be entitled upon information duly laid by him to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge; and if after the commission of the offence has been proved, he proves to the satisfaction of the court that he has used due diligence to enforce the execution of this Act and that the other person has committed the offence in question without his knowledge, connivance or consent, such other person shall be summarily convicted of the offence and the occupier shall be exempt from any fine.

## **Penalty.**

13. A person offending against any of the provisions of this Act for which no penalty is by this Act expressly provided is liable on summary conviction to a penalty not exceeding, in the case of a first offence, £500, and in the case of any subsequent offence, £2000.

## **Limitation of time for preferring complaints.**

14. All complaints or informations under this Act shall be preferred within one month of the commission of the offence.

## **Amendment of Schedules.**

15. The Minister responsible for trade may from time to time by order add to, amend or revoke the Schedules.

## **Regulations.**

16. The Minister responsible for trade may make regulations for carrying into effect this Act, and in particular, without prejudice to the generality of the foregoing, such regulations may—

- (a) provide for conditions of employment for shop assistants;
- (b) prescribe days and hours of work for shop assistants;
- (c) prescribe the hours on the several days of the week after or during which all shops or all shops of any specified class, shall be closed for the serving of customers, and specify conditions or exclusions which may apply in respect of such restrictions;
- (d) make provision for the exercise of discretion by the Commissioner of Police in respect of the opening of shops or classes of shops in connection with the tourist trade;
- (e) control the employment of children and young persons in shops;

- (f) provide that contravention of any regulation made under this subsection shall be a summary offence punishable by a fine not exceeding £2000 on conviction for any such offence;
- (g) amend the Schedules to the Act.

## **SCHEDULE 1.**

s.2

“Retail Trade or Business” includes the business of barber or hairdresser, the sale of refreshments or intoxicating, the business of lending books or periodicals or audio or video tapes when carried out on or for the purpose of gain and retail sales by auction but does not include the sale of programmes and catalogues and other sales at theatres and places of amusement.