

**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. 1929-10	-	
1947-24	s. 10, Sch.1	
1952-12	ss. 4(3), 7, 8, 11, 15, Sch.2	
1954-07	ss. 2, 3, 4(1), (4), 5, 6, 13	
1954-20	s. 6(2)	
1971-01	s. 8(2)	

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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 for the time being holding or carrying on the duties of the office of Director of Labour and Social Security or such other person as the Governor may appoint to administer the provisions of this Act;

“inspector” means an inspector appointed under section 10;

“retail trade or business” includes the business of a barber or hairdresser, the sale of refreshments or intoxicating liquors, the business of lending books or periodicals when carried on for purposes of gain, and retail sales by auction, but does not include the sale of programmes and catalogues and other similar sales at theatres and places of amusement;

“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.

**Conditions of employment.**

4. (1) Provision shall be made for securing to every shop assistant,-

- (a) one half holiday on a week day in every week and if the assistant be employed upon seven days in the week, then, in addition, a half holiday on every alternate Sunday;
- (b) a holiday on full pay of not less than seven consecutive days in every year.

(2) For the purpose of this section, "half holiday" means a day upon which the employment of the assistant ceases not later than two o'clock in the afternoon and upon which he is not employed for more than six hours including meal time.

(3) Intervals for meals shall be allowed to each shop assistant in accordance with Schedule 1.

(4) Paragraph (a) of subsection (1) shall not apply to any shop assistant employed in a shop which is registered in the prescribed manner with the Director as a Jewish owned shop.

**Sunday closing.**

5. All shops shall remain closed for the service of customers on Sundays, Good Friday and Christmas Day.

**Power to make orders for the closing of shops.**

6. (1) The Governor, with the prior approval of the Assembly may by order fix 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 it shall be lawful to exclude from the operation of any such order shops of such class as may be specified in such order, and to impose conditions subject to which such shops shall be so excluded.

(2) Notwithstanding the provisions of section 5 any order made under the provisions of subsection (1) may permit the opening of certain classes of shops on Sundays or public holidays, or during closing hours:

Provided that, notwithstanding the provisions of section 5 and any order so made, the Commissioner of Police may in his discretion upon application

being made to him give permission for the opening or the extra opening of any shops or class of shops on any particular Sunday, public holiday or other day in special circumstances connected with the tourist trade.

## **Exhibition of notice.**

7. (1) In every shop in which a shop assistant is employed a notice in the form set out in Schedule 2 shall be duly completed in respect of every such shop assistant and shall be exhibited by the employer in a conspicuous position, so that it can conveniently be read both by the shop assistant and the public.

(2) A person who pulls down, injures or defaces any notice exhibited in accordance with the provisions of this section is guilty of an offence.

(3) A copy of every such notice so exhibited shall be sent by the employer to the Director as soon as such notice has been affixed and any alteration to any such notice shall be notified to the Director.

## **Children and young persons.**

8. (1) No child shall be employed in or about a shop.

(2) No young person shall be employed in or about a shop for more than 47½ hours in any week inclusive of the minimum intervals for meals as prescribed in Schedule 1.

(3) This section shall apply to wholesale shops and to warehouses in which assistants are employed in like manner as if they were shops within the meaning of section 2, and the provisions of sections 4 and 7 shall, for the purpose of the enforcement of this section, be construed accordingly.

## **Seats for female shop assistants.**

9. (1) In all rooms of a shop where female shop assistants are employed in the serving of customers the occupier of the shop shall provide seats behind the counter or in such other position as may be suitable for the purpose and such seats shall be in the proportion of not less than one seat to every three female shop assistants employed in each room.

(2) A person who fails to comply with the provisions of this section is guilty of an offence and is liable on summary conviction for a first offence to a fine not exceeding £3 and for a second or subsequent offence to a fine of not less than £1 and not exceeding £5.

## **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 £5:

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 or Regulations made hereunder 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, £5, and in the case of any subsequent offence, £20.

**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 Governor may from time to time by order add to, amend or revoke the Schedules.

**SCHEDULE 1.**

Section 4(3)

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**INTERVALS FOR MEALS.**

Intervals for meals shall be arranged so as to secure that no shop assistant shall be employed for more than five consecutive hours without an interval of at least one hour being allowed during the course thereof, and that where the duration of the daily employment exceeds six hours, one interval of at least one and a half hours, or alternatively an additional interval of half an hour shall be arranged



SCHEDULE 2

Section 7.

PERIODS OF EMPLOYMENT, INTERVALS AND HOLIDAYS FOR SHOP ASSISTANTS.

I Hereby give notice that the period of employment and the intervals for meals and rest are as shown in the table below:—

Name of Occupier:—

Signature of Occupier:—

Address of Shop:—

Date:—

1 Shop Assis- tant's Name (Block Letters)	2 Date of birth if under 18 years of age	3 Emplay- ment Card Number	4 Monday		5 Tuesday		6 Wed- nesday		7 Thursday		8 Friday		9 Saturday		10 Sunday		11 Other regular meal or rest intervals, and statutory half holidays not allowed for in Columns 4 to 10	12 Total number of hours worked per week.	
			From	To	From	To	From	To	From	To	From	To	From	To	From	To			

**INSTRUCTIONS FOR COMPLETING THE FORM.**

Column 2 - In the case of persons over 18 years of age it will be sufficient to write "over 18", otherwise the date of birth should be stated.

Columns 4-10 - In these columns should be recorded the times during which the services of the assistant are available to the employer for the conduct of business, which may not necessarily be those during which the shop is open for the carrying on of business with the public. In the upper portion of the division headed "From" should be stated the time on each day of the week at which work is commenced by the person named in Column 1, and in the division headed "To", the time at which the employment is terminated for the midday meal interval, in the lower half in the first sub-division should be stated the time the assistant resumes employment after the midday meal interval and in the second sub-division the time on which employment for the day is ended.

The statutory weekly half holiday provided for by section 4(1)(a) of the Act should be indicated in the table by the insertion of the letter "H" in both the lower divisions in the column appropriate to the day on which the assistant named in the first column is not required to attend for employment.

If it is customary for the shop to close on certain fixed days, or on a part of a day, during which time assistants are not required to attend for business, there should be entered "shop closed" in the column appropriate to the day on which the shop is closed. In the case of a shop which normally remains closed throughout the day, but opens for a few hours in the evening, there should be recorded in the upper half of the appropriate division the entry "shop closed" and in the lower half there should be recorded the times during which the assistants are required to be in attendance.

Column 11 - In this column should be recorded details of any meal intervals in addition to the midday interval to which the person named may be entitled under the provisions of section 4(3) and Schedule 1 to the Act. It should also be used to show the additional fortnightly half-holiday in appropriate cases.

Column 12 - In this column should be shown the total number of hours worked weekly by each assistant named in the first column as computed from the details entered in columns 4-10 which, in the case of persons over 18 years of age, should not aggregate

more than 48 hours exclusive of meal intervals. In the cases of persons under the age of 18, the hours should not aggregate more than 47½ hours inclusive of the prescribed meal intervals.