

Bill No. 30 of 1958.

SHOPS (CONSOLIDATION) BILL, 1958.

ARRANGEMENT OF SECTIONS.

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A BILL

Intituled

AN ORDINANCE TO CONSOLIDATE AND AMEND THE LAW TO REGULATE THE OPENING AND CLOSING HOURS OF CERTAIN SHOPS AND THE HOURS OF WORK OF SHOP ASSISTANTS; TO PROVIDE FOR THE WELFARE OF SHOP ASSISTANTS; AND TO PROVIDE FOR OTHER MATTERS CONNECTED THEREWITH.

Enacted by the Legislature of British Guiana :—

1. This Ordinance may be cited as the Shops (Consolidation) Ordinance, 1958. Short title.
2. In this Ordinance, unless the context otherwise requires — Interpretation.
 - “Christmas period” means the eight working days immediately proceeding Christmas Day ;
 - “division” means a police division within the meaning of the Police Ordinance, 1957 ; No. 39 of 1957.
 - “member of the occupier’s family” means the occupier’s child, father, mother, brother, sister, wife or husband (as the case may be) and includes any person who is maintained by, and resides with, the occupier ;
 - “occupier” means the holder of a licence in respect of a trade licence shop and includes the attorney, agent or manager of the holder and, in the case of a shop for which no licence has been taken out, the person found occupying or in charge of the shop ;
 - “parlour”, “cookshop”, or “restaurant” means a shop in which are sold or exposed for sale only the articles of merchandise enumerated in the third schedule ; Third schedule.
 - “rural area” means any part of the Colony other than an urban area ;
 - “schedule” means a schedule to this Ordinance ;
 - “shop” means any place or premises where any wholesale or retail trade or any business of any description is carried on or transacted and in respect of which a trade licence is required to be taken out under the provisions of any tax ordinance for the time being in force, and

includes a stall in any market in respect of which a trade licence would have been required to be taken out under the provisions of any tax ordinance for the time being in force had the stall not been situated in the market, barbers' and hairdressers' establishments, restaurants, parlours and cookshops, but does not include —

- (a) any premises other than restaurants and parlours licensed for the sale and consumption on the premises of liquor; or
- (b) any bazaar in aid of any charitable, religious or public purpose ;

“shop assistant” means any person wholly or mainly employed in or about a shop or about the business of a shop in connection with the service of customers or the receipt of orders or money or the receipt or despatch or delivery of goods ;

“urban area” means the city of Georgetown as comprised within the boundaries set out in the Georgetown Town Council Ordinance and any ordinance amending the same and an area within one mile¹ of the eastern boundary thereof, and the town of New Amsterdam as comprised within the boundaries set out in the New Amsterdam Town Council Ordinance and any ordinance amending the same.

Cap. 152.

Cap. 161.

Restriction of opening and closing hours of shops. First schedule.

3. (1) Subject to the provisions of sections 8 and 17 of this Ordinance, no person shall open or keep open or permit to be kept open any shop for any purpose whatsoever except on the days and between the hours respectively set out in the first schedule :

Provided that where in any area it appears either necessary or convenient for the service of the public that all shops in such area, or any specified shop or class of shops in such area should be permitted to open during hours other than those prescribed in the first schedule, the Governor may by Order in Council prescribe other hours during which such shops or class of shops may be open, or he may, in the case of a rural area, by Order in Council exempt all shops or any specified shop or class of shops in such area from the operation of this section; and where any such order of exemption is made, no shop assistant shall, subject to the provisions of sections 6 and 8 of this Ordinance, be employed in any shop to which the order relates for more than forty and three-quarter hours in any one week :

Provided further than where in any area it appears either necessary or convenient —

- (a) for the supplying of materials intended to be used for the repair or maintenance of ships ; or
- (b) for the supplying of apparatus, fittings and material intended to be used for the repair or maintenance of any plant, machinery, apparatus, line or post which is used in relation to the generation, distribution or supply of electric current for any public or private purpose under the authority of any order made by the Governor in Council under section 5 of the Electric Lighting Ordinance, or section 4 of the Georgetown Electric Supply Ordinance —

Cap. 237.

Cap. 238.

First schedule.

that any specified shop or class of shops in such area should be permitted to be kept open before the opening hours or after the closing hours prescribed in the first schedule, the Governor in Council may, by order published in the Gazette, prescribe that for the purposes specified in paragraph (a) or (b) of this proviso the shop or class of shops specified in the order may be kept open after the closing hours specified in the first schedule and may be opened at any time between the hours of closing and opening specified in the said schedule, and where such an order is made, shop assistants may be employed, for the purposes specified in the order at any time such shop or class of shops may be opened.

(2) Any order under this section shall have the same force and effect as if it were contained in this Ordinance, and it may at anytime be varied or revoked by a subsequent order.

(3) It shall be a defence to any proceedings, in relation to any shop for contravention or failure to comply with the provisions of subsection (1) of this section, to prove that such shop

was opened, or kept or permitted to be open, as the case may be, for the purposes provided in the second schedule or in accordance with the provisions of section 8 of this Ordinance.

Second
schedule.

4. (1) Except as provided in the first schedule with respect to the Christmas period, and subject to the provisions of subsection (3) of section 191 of the Summary Jurisdiction (Offences) Ordinance, every shop, other than a restaurant, parlour or cookshop, or barbers' and hairdressers' establishment, in an urban area shall be closed for the serving of customers not later than mid-day on one weekday in every week and that day shall be deemed to be Saturday unless the option given in this section is exercised in the manner therein provided.

Weekly half-
holiday.

Cap. 14.

(2) The occupier of any such shop shall have the option of substituting for the Saturday half-holiday a half-holiday on Wednesday and that alternative day shall be registered as in this section provided.

(3) On application and on payment of a registration fee of two dollars, the chief officer of police in the district shall cause the name of the occupier to be registered in a book to be kept for that purpose as a person who has exercised the option :

Provided that any occupier who at the commencement of this Ordinance is already registered as having exercised the option under the provisions of the Shops Regulation Ordinance or the Shops Ordinance, shall be deemed to have registered under this section.

Cap. 77 of the
1929 Edition.
Cap. 118.

(4) An occupier who is registered may not oftener than once in any period of three months request the chief officer of police in the division to cancel the registration and in such event the registration shall be cancelled and the obligation of the Saturday half-holiday shall apply to the occupier's shop.

(5) A certified extract from the register which is kept or is continued to be kept for the purposes of such registration shall be conclusive evidence of the exercise of the option.

5. (1) Where different trades or businesses, in respect of which different hours for opening and closing apply, are carried on in the same premises, such premises shall be opened at the latest hour and closed at the earliest hour applicable to any of those trades or businesses unless it is shown to the satisfaction of the chief officer of police in the division and he gives a certificate to the occupier to the effect that he is satisfied that means are provided for the adequate partition or division of the premises into separate and distinct shops so as to ensure that the appropriate opening and closing hours of each trade or business can be effectively observed.

Provision as
respects
shops where
more than
one business
is carried on.

(2) If, at any time after a certificate has been given under the preceding subsection, the chief officer of police of the division considers that the premises or any part thereof have undergone such a change or that the means originally or then provided have proved or have become so insufficient that adequate partition or division of the premises into separate and distinct shops for the purpose aforesaid cannot be effected, he may cancel the certificate.

(3) A certificate given under subsection (1) of this section shall not be cancelled unless the chief officer of police aforesaid notifies the occupier of his intention to cancel his certificate and gives him a reasonable time within which to effect such alterations or repairs to the premises as the chief officer may consider adequate.

6. Subject to the provisions of sections 8 and 12 of this Ordinance, no occupier shall employ a shop assistant in or about a shop or about the business of a shop or permit him —

Restriction
of hours of
employment
of shop
assistants.

(i) to remain within a shop whether in connection with the business of the shop or not at any time during which such shop is prohibited from being kept open ; or

(ii) to be connected in any way with the business of the shop during the prohibited hours,

Second
schedule.

except for the purposes and during the periods of time set out in the second schedule.

7. (1) An occupier of a shop shall not knowingly employ or continue to employ any person as a shop assistant if that person is already employed as a shop assistant in any other shop

Restriction
on employ-
ment in more
than one
shop.

wherever situate so that the aggregate number of working hours of that person in such shops exceeds forty and three-quarter hours in any week.

(2) An occupier of more shops than one shall not employ the same shop assistant in more than one of such shops so as to prevent the shop assistant from having a half-holiday on the same day in each week.

Overtime.

First
schedule.

8. (1) Notwithstanding anything contained in this Ordinance to the contrary, and subject to the provisions of section 6, an occupier of a shop shall be permitted to employ a shop assistant in excess of the hours prescribed in Parts 1 and 2 of the first schedule, but so that no shop assistant shall be so employed for more than two hours in any one day or twenty hours in any one month in excess of the hours prescribed.

(2) An occupier referred to in subsection (1) of this section shall —

(a) inform the chief officer of police of the division in which the shop is situate of his intention to employ shop assistants in excess of the normal hours; and

(b) supply the Commissioner of Labour within three days of the end of the period worked in excess of the prescribed hours with a list of the names of the employees who were required to work, and the number of hours worked.

(3) Notwithstanding the provisions of subsection (1) of this section, an occupier of a shop shall pay to a shop assistant wages at the rate prescribed by subsection (4) of this section in respect of any time worked during any of the periods mentioned in paragraphs (a), (c) or (d) of the proviso contained in Part 1 of the first schedule or in Part 2 of the said schedule in excess of seven and three-quarter hours per day.

(4) The rate of wage payable to a shop assistant in respect of any period of time in excess of the normal hours shall be one and a half times the rate of wage received by the shop assistant.

(5) The occupier of a shop shall keep a register of wages which shall be in the form approved by the Commissioner of Labour and in which shall be recorded the number of hours worked by each shop assistant and the wages paid to each shop assistant, and such other particulars as the Commissioner may from time to time prescribe :

Provided that the Commissioner may in writing under his hand exempt an occupier of a shop from keeping a register of wages in the approved form where he is satisfied that the records kept are adequate for the purposes of this Ordinance.

Meal inter-
vals.

9. The occupier of a shop in an urban area, other than the occupier of a restaurant, parlour or cookshop, barbers' or hairdressers' establishment, shall on each working day other than on the half-holiday permitted under the provisions of section 4 of this Ordinance, at any time between the hours of half past ten in the forenoon and one in the afternoon, allow to each shop assistant an interval from work of at least one and a quarter hours and, during any extension of the prescribed hours during the Christmas period and on the day before Good Friday, an additional quarter of an hour immediately preceding such extended hours.

Seats for
shop assist-
ants.

10. (1) The occupier of a shop shall provide for the sole use of shop assistants seating accommodation behind the counter, or, where no counter exists, in such other positions as may be suitable, and such seats shall be in the proportion of not less than one seat to every three shop assistants employed in each room :

Provided that there shall be at least one seat in each such room.

(2) It shall be the duty of the occupier to inform such shop assistants that seats are provided for their sole use by posting in a conspicuous position in the shop a notice in the form set out in the fourth schedule hereto.

Fourth
schedule.

Other pro-
visions ap-
plicable to
restaurants,
parlours,
cook-shops,
barbers' and
hairdressers'
establish-
ments.

11. The occupier of a restaurant, parlour or cookshop, barbers' and hairdressers' establishment —

(a) shall cause to be permanently affixed on the outer wall of the shop in a conspicuous position so as to be visible whether the shop is opened or closed a notice showing clearly the opening and closing hours of the shop on the several business days ;

(b) shall cause to be kept in the shop a list signed by

him showing the names and addresses and hours of employment of every shop assistant, and such list shall be opened to the inspection of every such shop assistant ;

- (c) shall, at the request of any inspector or assistant inspector of labour, produce such list and afford him every facility for verifying the correctness of the particulars therein set out ; and
- (d) shall not permit a shop assistant to work in the shop on any day for more than four and one-half consecutive hours without an interval from work of at least one and one-quarter hours nor for an aggregate period exceeding seven and one-quarter hours on any day or forty and three-quarter hours in any week.

12. The provisions of Parts 1 and 2 of the first schedule and of the second schedule shall apply to drug stores :

Special provisions applicable to drug stores.

Provided that for the purposes only of dispensing prescriptions or selling drugs, medicines or medical appliances for the use of any sick person or animal the hours of opening of drug stores shall be unlimited but in any such case no shop assistant shall be employed therein for an aggregate period exceeding seven and one-quarter hours in any day or forty and three-quarter hours in any week ; and

Provided that the occupier of a drug store shall keep a register in a form approved by the Commissioner of Labour showing the hours of work of each shop assistant and such other information as the Commissioner of Labour may from time to time prescribe.

13. (1) In every part of a shop in which shop assistants are employed --

Provisions as to sanitary and other arrangements.

- (a) suitable and sufficient means of ventilation shall be provided and maintained ; and
- (b) suitable and sufficient means of lighting shall be provided and every such part of a shop shall be kept suitably and sufficiently lighted.

(2) In every shop there shall be provided and maintained at suitable points conveniently accessible to all shop assistants an adequate supply of wholesome potable water and the vessels containing the water shall be clearly marked with the words "Drinking Water."

(3) Where shop assistants take any meals in the shop, there shall be provided and maintained suitable and sufficient facilities for the taking of those meals.

(4) In every shop there shall be provided and maintained for the use of the shop assistants suitable and sufficient accommodation for clothing not worn during working hours, with separate accommodation where male and female shop assistants are employed.

(5) In every shop, not being a shop exempted from the provisions of this subsection, there shall be provided and maintained for the use of the shop assistants suitable and sufficient sanitary conveniences and suitable and sufficient washing facilities.

(6) A shop shall be exempted from the provisions of subsection (5) of this section if there is in force a certificate granted by the appropriate authority exempting that shop therefrom, and any such certificate shall remain in force until it is withdrawn by the authority, but no such certificate shall be granted with respect to any shop unless the authority is satisfied that by reason of restricted accommodation or other special circumstances affecting the shop it is reasonable that such a certificate should be in force with respect thereto, and that suitable and sufficient sanitary conveniences or washing facilities, as the case may be, are otherwise conveniently available, and, subject as hereinafter provided, a certificate in force with respect to any shop shall be withdrawn if the authority at anytime ceases to be so satisfied as aforesaid :

Provided that, if the occupier of a shop is aggrieved by the withdrawal of such a certificate, he may appeal to the magistrate's court for the district in which the shop is situated and that court may make such order concerning the certificate as appears to the

court, having regard to the matters aforesaid, to be just and equitable.

(7) If it appears to the appropriate authority that there has been, in the case of any shop, a contravention of any of the provisions of this section the authority shall, by notice served on the occupier of the shop, require him to take, within such time as may be limited by the notice such action as may be specified in the notice for the purpose of securing compliance with the said provision, and, if any person served with such a notice fails to comply with the requirements thereof, he shall be liable on summary conviction to a fine not exceeding fifty dollars, or in the case of a second or subsequent conviction in respect of the same requirement, to a fine not exceeding one hundred and fifty dollars or ten dollars for every day since the first conviction in respect of that requirement, whichever is the greater :

Provided that it shall be a defence to any proceedings under this subsection to prove that there was no contravention of the provisions of this section or that the requirements of any such notice as aforesaid were, within a reasonable time after service of the notice, complied with in so far as they were necessary to secure compliance with the provisions of this section.

(8) In this section —

“suitable and sufficient” means suitable and sufficient in the opinion of the appropriate authority, having regard to the circumstances and conditions affecting a shop or any part of a shop ; and

“appropriate authority” means the authority whose duty it is to enforce the provisions of this section of this Ordinance.

Apportionment of expenses.

14. If any occupier of a shop who has incurred or is about to incur any expense for the purpose of securing that the requirements of the last foregoing section are complied with with respect to the shop, alleges that the whole or any part of the expense ought to be borne by any other person having an interest in the premises, he may apply to the magistrate's court for the district in which the shop is situated and that court may make such order concerning the expense or its apportionment as appears to the court, having regard to all the circumstances of the case, including the terms of any contract between the parties, to be just and equitable, and any order made under this section may direct that any such contract as aforesaid shall cease to have effect in so far as it is inconsistent with the terms of the order.

Enforcement.

15. (1) It shall be the duty of the Commissioner of Police to enforce or cause to be enforced the provisions of this Ordinance relating to the hours of opening and closing of shops and prohibited sales.

(2) It shall be the duty —

(a) in an urban area, of the local authority thereof; and

(b) in a rural area, of the Central Board of Health, as part of their duties under the Public Health Ordinance, to enforce or cause to be enforced the provisions of section 13 of this Ordinance and any officer of that authority and any member or officer of the Board shall for the purposes of his powers and duties have in relation to shops all the powers conferred on such members and officers by section 148 of that Ordinance and that section and sections 149 and 153 of the same Ordinance shall apply accordingly.

Cap. 145.

(3) It shall be the duty of the Commissioner of Labour to enforce or cause to be enforced the provisions of this Ordinance relating to shop assistants, their wages, and hours of work, and any inspector or assistant inspector of labour may appear in a court of law and conduct all prosecutions on behalf of the Commissioner of Labour.

Prohibition of sale of certain goods at certain times.

16. (1) Anything to the contrary in any ordinance notwithstanding, any person who sells or exposes or offers for sale in any place other than a shop any goods of any description at any time or on any day during which a shop in that area or place is by this Ordinance forbidden to be open for the sale of goods of a like description shall be liable, on summary conviction, to a fine not exceeding one hundred dollars:

Provided that nothing in this section shall be deemed to prohibit a sale for any charitable, religious or public purpose or a private sale by a person not engaged in the sale of goods as a trade or business or a sale at auction of private effects by a duly licensed auctioneer.

(2) Any goods exposed for sale in contravention of subsection (1) of this section may be seized by any police constable and shall be liable and leivable for the amount of the fine and costs imposed for contravention of the said subsection and, in default of payment thereof by the offender upon conviction, shall be sold by an order of the magistrate, and, if the proceeds of the sale are not sufficient for the payment of the fine and costs, the offender shall be liable for the amount unsatisfied and payment therefor shall be recoverable as in this Ordinance provided.

17. Nothing in this Ordinance shall extend to —

- (a) the sale at any time and on any day of any provisions, stores, fuel, or other supplies for the use of any vessel anchored in the territorial or inland waters of the Colony, on the written order of the captain or chief officer or the local agent of such vessel, and subject to compliance with the custom laws; or
- (b) the sale at any time and on any day of any article required for the burial of the dead or for any sick person or animal when the seller thereof has reasonable ground for believing such article to be required for any of those purposes; or
- (c) the sale at any time and on any day of fresh milk or ice and the delivery of yeast for baking purposes; or
- (d) the sale of bread, cake, fresh meat, fresh fish, fresh fruit, fresh vegetables or non-alcoholic beverages, until the hour of nine of the clock in the forenoon on any public holiday and at any hour on any other day; or
- (e) the sale at any time and on any day of any newspaper published in the Colony; or
- (f) the sale at any time and on any day at petrol filling stations, motor vehicle and repair service stations, of petroleum, lubricants and accessories required for the repair of, or use in, any motor vehicle; or
- (g) the sale at any time and on any day in any cookshop of food cooked therein; or
- (h) the sale, after the closing hours, of tobacco, matches, table waters, sweets, chocolates or other sugar confectionery or ice cream, at any time during the performance in any theatre, cinematograph theatre, music hall, or other similar place of entertainment so long as the sale is to a bona fide member of the audience and in a part of the building to which no other members of the public have access:

Exemptions.

Provided that the occupier of any shop in the foregoing cases shall conform to the requirements of the provisions of paragraphs (b), (c) and (d) of section 11 of this Ordinance.

18. Where Post Office business is carried on in any shop in addition to any other business, this Ordinance shall apply to that shop subject to the following modifications —

- (a) if the shop is a telegraph office, the obligation to close on the weekly half-holiday shall not apply to the shop so far as relates to the transaction of Post Office business thereat;
- (b) where the Postmaster General certifies that the exigencies of the postal service require that Post Office business should be transacted in any such shop at times when under the provisions of this Ordinance relating to the weekly half-holiday the shop would be required to be closed, or under conditions not authorised by sections 4 or 9 of this Ordinance, the shop shall for the purpose of the transaction of Post Office business, be exempted from the provisions of this Ordinance to such extent as the Postmaster General may certify to be necessary for the purpose:

Provided that in such cases the Postmaster General shall make the best arrangements that the exigencies of the postal service allow with a view to the conditions of employment of the

Application to Post Office business.

persons employed being on the whole not less favourable than those secured by this Ordinance.

Penalty and procedure where persons found in shops during closed hours.

19. (1) If any person is found in a shop within any period of time during which business cannot be lawfully transacted therein or during which it is by this Ordinance required to be closed or prohibited from being open, the occupier of the shop and any other person or persons actually in charge of the shop and also the person found therein shall be liable, on summary conviction —

- (a) in the case of the occupier and other person in charge, to a fine not less than twenty dollars and not exceeding one hundred dollars, and
- (b) in the case of the person found therein, to a fine not less than ten dollars and not exceeding fifty dollars:

Provided that it shall be a defence to any proceedings under this subsection to prove that the person so found was there as a member of the occupier's family, or as his servant (other than a shop assistant employed by him) or as a friend being entertained by the occupier or other person in charge of the shop or was in the shop for some lawful purpose.

(2) Any police constable may demand the name and address of any person found in a shop during the period of time aforesaid and, if he has reasonable ground to suspect that the name or address given is false, may require evidence of the correctness of such name and address, and may, if such person fails upon such demand to give his name or address, or evidence of the correctness of the name or address so given apprehend him without warrant and take him as soon as practicable before a magistrate.

(3) Any person who, when so required by a police constable to give his name and address, fails to give the same or gives a false name or address, or produces false evidence with respect to such name or address, shall be liable, on summary conviction, to a fine not exceeding twenty-five dollars.

Liability of proprietor for breach of Ordinance by members of his family.

20. (1) The occupier of a shop shall be, and he is hereby declared to be, penally liable for the breach of any provision of this Ordinance by any member of his family or by any person employed, whether temporarily or permanently, in or about the shop or in or about any room or place thereto attached and belonging, in the same manner and as fully as if he himself had committed the breach.

(2) Any member of the occupier's family or any person employed by the occupier may be examined as a witness for or against the occupier on any charge brought against him under this Ordinance, and, if so examined, shall not himself thereafter be liable to any charge in respect of that breach.

Proceedings in case of breach of provisions of Ordinance.

21. Where by the provisions of this Ordinance the occupier of a shop is made liable to a fine in respect of any act or omission and a charge is preferred alleging that act or omission, the following proceedings shall be lawful, that is to say —

- (a) the summons may be served in the manner permitted by law, or by leaving it with any person who is apparently a clerk or servant found on the premises or, if that person cannot be found, by affixing the summons in a conspicuous manner to the outer door or outer wall of the premises;
- (b) where the occupier is not at the time present within the Colony, his attorney or agent may appear at the hearing of the charge on his behalf; and
- (c) where the occupier is not at the time present within the Colony, either at the time of the act or omission charged or at the time when the summons is served, the magistrate, on being satisfied as to the service of the summons as herein before authorised, shall proceed to investigate the matter of the charge, whether an attorney or agent appears for the occupier or not, and, if the act or omission is proved, may order the fine to be paid and to be levied by distress upon the goods of the occupier.

22. In any prosecution against the occupier of a shop for the breach of any of the provisions of this Ordinance relating to shop assistants, if the defendant claims that the person alleged to be a shop assistant is not a shop assistant, the onus of proving that such person is not a shop assistant shall be on the defendant.

Onus of proof in certain cases.

23. (1) Any person who contravenes or fails to comply with any of the provisions of section 3, 6, 7, 8, paragraph (d) of section 11 or section 12 of this Ordinance shall be liable on summary conviction, in the case of a first conviction to a fine of not less than twenty-five dollars and not exceeding fifty dollars, in the case of a second conviction to a fine of not less than fifty dollars and not more than two hundred and fifty dollars, and in the case of a third or subsequent conviction to a fine of not less than two hundred and fifty dollars and not exceeding five hundred dollars.

Penalties.

(2) Any person who contravenes or fails to comply with any of the other provisions of this Ordinance for which no special penalty is provided shall be liable, on summary conviction, to a fine not exceeding one hundred dollars.

24. All complaints under this Ordinance may be prosecuted and fines recovered in the manner provided by the Summary Jurisdiction Ordinances.

Prosecutions and recovery of fines.

25. The Shops Ordinance is hereby repealed:

Repeal. Cap. 118.

Provided that any register kept by, or under the authority of, the Commissioner of Police under that Ordinance may continue to be kept and in such case shall be deemed to be kept under this Ordinance:

Provided further that all Orders in Council, and Orders, save and except the Shop Hours (Special Provision) (Kitty) Order and the Shop Assistants (Markets) Order shall continue to be of full force and effect as though they were made under the provisions of this Ordinance, until sooner revoked

No. 36 of 1944. No. 7 of 1947. Cap. 118.

FIRST SCHEDULE

1. URBAN AREAS

Section 3.

The days on which and the hours between which shops (other than restaurants, parlours and cookshops, barbers' and hairdressers' establishments) in urban areas may be opened and kept open shall be as follows —

- Weekdays, other than public holidays and half-holidays ... 7.30 a.m. to 4 p.m.
Half-holidays ... 7.30 a.m. to 12 noon
Provided that —
(a) during the Christmas period the hours shall be —
(i) for the first seven working days of this period 7.30 a.m. to 6 p.m.
(ii) on Christmas Eve, and on the Saturday preceding Christmas Eve when the latter day falls on a Sunday ... 7.30 a.m. to 8. p.m.
(b) On public holidays provision shops and groceries paying a licence duty of or under \$70 per annum may open and keep open between the hours of 6.30 a.m. and 9 a.m.
(c) where a public holiday falls on a Monday, provision shops and groceries paying a licence duty of or under \$70 per annum may remain open for an additional hour on the Saturday immediately preceding the Monday, except where the Saturday is the day following Good Friday.
(d) on the day before Good Friday ... 7.30 a.m. to 6 p.m.

Provided further that where the preceding proviso does not apply, shops (other than restaurants, parlours and cookshops, barbers' and hairdressers' establishments) may with the approval in writing of the Commissioner of Labour be opened and kept open on Fridays only between the hours of 9.30 a.m. and 6 p.m.

2. RURAL AREAS.

The days on which and the hours between which shops (other than restaurants, parlours, cookshops and barbers' and hairdressers' establishments) in rural areas may be opened and kept open shall be as follows—

- (a) Mondays, Tuesdays, Thursdays and Fridays ... 6.30 a.m. to 10 a.m.
(b) Wednesdays and public holidays ... 3 p.m. to 6.30 p.m.
(c) Saturdays and on Christmas Eve ... 6.30 a.m. to 10 a.m.
... 3 p.m. to 8.45 p.m.

3. RESTAURANTS AND PARLOURS, BARBERS' AND HAIRDRESSERS' ESTABLISHMENTS IN URBAN AND RURAL AREAS.

Restaurants and Parlours Barber's and Hairdressers' Establishments ... Every day — 6 a.m. to midnight.

SECOND SCHEDULE

Section 6.

1. URBAN AREAS

The purposes for which and the periods of time during which shop assistants may be employed beyond the time specified in the first schedule are as follows —

- Purposes Periods of time
1. Where serving customers who were in the shop before the closing hour ... Not exceeding half an hour.
2. Where despatching or delivering orders received before the closing hour —
(a) ordinarily ... Not exceeding half an hour
(b) during the Christmas period and on any Saturday where the following Monday is a public holiday ... Not exceeding one hour.
3. Checking and balancing cash ... Not exceeding half an hour.

2. RURAL AREAS

1. Shop assistants employed in shops situate in rural areas may be employed beyond the normal hours specified in the first schedule for the purposes set out above and for the corresponding periods of time.

2. Such shop assistants may be so employed for two periods of time per day not exceeding fifteen minutes each where the extended period of time is half an hour, and not exceeding half an hour where the extended period of time is one hour:

Provided that the aggregate number of hours which a shop assistant may be required to work under this schedule shall not exceed half an hour, except that during the Christmas period and on any Saturday where the following Monday is a public holiday, such aggregate shall not exceed one hour.

THIRD SCHEDULE

Section 2.

(The articles of merchandise which may be sold in restaurants, parlours and cookshops).

| | |
|----------------|---|
| Aerated waters | coffee |
| arrowroot | confectionery |
| biscuits | food cooked on the premises |
| bread | fruits and fruit juices |
| cakes | ice |
| candles | ice cream |
| cheese | malt liquor |
| cigarettes | matches |
| cigars | milk (fresh) |
| cocoa | tea |
| | wine (including the liquor known as Falernum) |

FOURTH SCHEDULE

Section 10(2).

(Form of Notice)

Notice is hereby given that seats are provided in this shop for the sole use of shop assistants and that such shop assistants are expected to make reasonable use of them.

OBJECTS AND REASONS

This Bill which repeals and re-enacts the Shops Ordinance (Chapter 118) with several important modifications is based on the recommendations submitted in a report of the Shops Ordinance, 1944 (Revision) Advisory Committee which was appointed in 1955 "to consider the Shops Ordinance, 1944, as amended from time to time, and in the light of its operation, to make such recommendations for its revision as may be deemed desirable".

2. The more important modifications which this Bill seeks to effect are as follows:—

- (a) "Christmas period" is restricted to the eight working days immediately preceding Christmas Day instead of fifteen (clause 2).
- (b) The definition of a "shop" has been widened to include stalls in markets in respect of which a trade licence would have been required to be taken out had not the stall been situated in a market, and also to include cookshops (clause 2).
- (c) A "shop assistant" now includes persons employed in the delivery of goods (clause 2).
- (d) The hours of opening are the same as those provided for by the existing Ordinance, but the hours during which a shop assistant may be employed shall not now exceed seven and a quarter hours in any one day or forty and three quarter hours in any one week. Any time worked in excess of these hours shall be regarded as overtime except a period of half an hour after closing time on ordinary days and one hour during the Christmas period for the performance of certain duties set out in the second schedule (clauses 3, 6, 7 and 8).
- (e) The meal interval which under the existing Ordinance is one hour is increased by fifteen minutes (clause 9).
- (f) Seats are now to be provided for both male and female shop assistants. Under the existing Ordinance the occupier of a shop is required to provide seats for female employees only (clause 10).
- (g) The penalty where persons are found in a shop during prohibited hours is to be changed to a minimum of \$20 and a maximum of \$100 in the case of the occupier or person in charge, and to not less than \$10 and not more than \$50 in the case of the person found in the shop (clause 19). Penalties for breaches of other provisions of the Ordinance are also increased (clause 22).

3. Clause 25 of the Bill seeks to repeal the existing Ordinance (Chapter 118), but saves the register which was required to be kept by or under the authority of the Commissioner of Police under that Ordinance, and also all Orders in Council and Orders made under that Ordinance except two Orders which are no longer necessary in view of the fact that the new Ordinance will apply to certain stalls in markets.

JANET JAGAN,

Minister of Labour, Health and Housing.

(M.P.L. No. 56/144/2 II).

(Leg. Bill 30/1958).