

To be construed with Ord & of 1930; 14 of 1935;

34 of 1936

CHAPTER 77.

SHOPS REGULATION.

[No. XXIV of 1925.]

[17th October, 1925.]

Short title.

1. This Ordinance may be cited as the Shops Regulation Ordinance.

Interpretation.

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

“shop” means and includes any building, house, room, shed, stall, yard, or premises, other than a hotel, tavern, or retail spirit shop, where any wholesale or retail trade or business of any sort is carried on or transacted;

“hotel, tavern, or retail spirit shop” means any hotel, tavern, or retail spirit shop licensed respectively so to be under the Intoxicating Liquor Licensing Ordinance, or any Ordinance amending it or in substitution for it;

“trade licence shop” means any shop the owner of which is required to take out a trade licence therefor as provided by the Tax Ordinance for the time being in force;

“occupier” means the holder of a licence in respect of any hotel, tavern, retail spirit shop, trade licence shop, or passenger steamer, required by law to be licensed, and includes the attorney, agent, or manager, or personal representative 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 that shop;

“shop assistant” means anyone wholly or mainly employed in a shop, tavern, retail spirit shop, or trade licence shop, in connection with the service of customers or the receipt of orders or the despatch of goods;

“liquor” includes spirituous or malt liquor and wine;

“tobacco” includes cigars, cigarettes, and tobacco of any kind;

“the Inspector General” means the Inspector General of Police;

“schedule” means schedule to this Ordinance.

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3.—(1) No one shall open, or keep or permit to be open, any hotel for the purpose of selling, bartering, or delivering, or sell, barter, or deliver therein, liquor or tobacco, or permit the use therein of any billiard table or bagatelle board, except on the days and between the hours set out in the first schedule and except as next hereafter enacted.

Closing hours for sale of spirituous liquors in and from hotels ; first schedule.

(2) (a) Nothing in this Ordinance shall prevent the sale of liquor or tobacco at any time in a hotel to anyone at the time a bonâ fide resident or boarder in the hotel or to a bonâ fide traveller, or prevent the use of that resident or boarder of a billiard table or bagatelle board in the hotel.

Exceptions : bonâ fide residents or boarders, or travellers :

(b) For the purposes of this section a person shall be deemed to be—

- (i) a bonâ fide resident in a hotel, if he has occupied in person a room therein for at least one night immediately preceding the time of the sale or use, or is at that time actually in occupation of a room for the purpose of sleeping in the hotel;
- (ii) a bonâ fide boarder in a hotel, if he is taking or has taken meals at the table of the hotel for at least the day of the sale or use;
- (iii) a bonâ fide traveller if the place where he lodged during the preceding night is at least three miles distant from the place where he demands to be supplied with liquor or tobacco, that distance to be calculated by the nearest public thoroughfare.

(c) The onus of proving that he to whom liquor or tobacco was sold was a bonâ fide resident, or boarder, or traveller, or that he who used a billiard table or bagatelle board was a bonâ fide resident or boarder, shall be on the person charged with contravening this section :

Burden of proof of good faith :

Provided that—

- (i) if the court is satisfied that the person charged truly believed, after taking all reasonable precautions, that the purchaser of liquor or tobacco was a bonâ fide traveller, it shall deal with the case as if the purchaser had been a bonâ fide traveller; and
- (ii) anyone who falsely represents himself to be a traveller with intent to obtain liquor or tobacco shall be deemed to have contravened this section.

Proviso: .

(3) Where the Inspector General is satisfied that a hotel contains not less than ten furnished bedrooms and is kept mainly for the bonâ fide entertainment of guests using the hotel for sleeping or taking meals therein, or

both, he may, subject to the conditions and restrictions he deems fit, issue a permit to the occupier of that hotel extending the times specified in the first schedule during which billiard tables and bagatelle boards may be used, and during which liquor or tobacco may be sold to persons other than bonâ fide residents, boarders, or travellers, by a period not exceeding two hours a day for the whole or any portion of the time for which the licence is issued :

Proviso.

Provided that the permit shall not be issued for any part of the hotel on the ground floor unless the hotel contains not less than twenty-five bedrooms, and the Inspector General may at any time revoke the permit.

(4) The Inspector General, or the inspector or sub-inspector of police in charge of a county or district, may, on the occasion of any dance, ball, entertainment, or other special occasion of any kind whatever, and on the application of the occupier of a hotel or his legal representative, issue a permit to him to keep open the hotel for the purposes aforesaid for a period in no case beyond the hour of midnight, and no penalty shall be incurred in respect of the keeping open of or selling in the hotel during the extended period.

(5) For the permit there shall be paid the sum prescribed in the Tax Ordinance for the time being in force.

Penalty.

(6) Anyone who contravenes any of the provisions of this section shall be liable on summary conviction to a penalty not exceeding five hundred dollars.

Hours of opening and closing of retail spirit shops ; first schedule ; third schedule.

4.—(1) No one shall open, or keep or permit to be open, any tavern or retail spirit shop, or sell or deliver therein or therefrom any liquor or tobacco, or any goods or merchandise, except on the days and between the hours set out in the first schedule, and except as hereinafter and in the third schedule provided.

(2) The Inspector General, or the inspector or sub-inspector of police in charge of any county or district may, on the occasion of any dance, ball, entertainment, or other special occasion of any kind whatever, and on the application of the occupier of any tavern or retail spirit shop, or his legal representative, issue a permit to him to keep that tavern or shop open for a period in no case beyond the hour of midnight, and no penalty shall be incurred in respect of the keeping open of, or selling in, that tavern or from that shop during the extended period.

(3) For the permit there shall be paid the sum prescribed in the Tax Ordinance for the time being in force.

(4) Anyone who contravenes any of the provisions of this section shall be liable on summary conviction to a penalty not exceeding five hundred dollars.

5.—(1) Notwithstanding anything contained in sections one hundred and ninety-three to one hundred and ninety-five (both inclusive) of the Summary Jurisdiction (Offences) Ordinance, or any amendment thereof, the occupier of any passenger steamer may lawfully sell liquor or tobacco to any bonâ fide passenger on board the steamer at any time on Sunday while the steamer is on her voyage to or from any place and not otherwise.

Holder of passenger steamer licence may sell on Sundays.
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(2) Any occupier who contravenes the provisions of this section, and anyone buying liquor or tobacco on board the steamer otherwise than in conformity with the provisions of this section, shall be liable on summary conviction to a penalty not exceeding one hundred dollars.

6.—(1) Anyone found in any tavern or retail spirit shop within any period of time during which business cannot therein be lawfully transacted or during which it is by law required to be closed or forbidden to be open, shall, unless he satisfies the magistrate that he was there as an inmate, servant, or lodger, or otherwise lawfully, be guilty of an offence and be liable on summary conviction thereof to a penalty not exceeding ten dollars.

Persons found in tavern or retail spirit shop during closing hours.

Penalty.

(2) Any police constable may demand the name and address of anyone found in any tavern or retail spirit shop within that period of time, and, if the name or the address is not given, or if there is reasonable ground for suspecting the name and address given to be false, may arrest him without a warrant, unless he produces satisfactory proof as to the correctness of the name and address given, and take him as soon as practicable before a magistrate.

(3) Anyone who, when so required by a police constable to give his name and address, gives a false name and address, or produces false testimony in respect of his name or address, shall be guilty of an offence and be liable on summary conviction thereof to a penalty not exceeding twenty-four dollars.

Giving false name or address.

Penalty.

7. No licence for any hotel, tavern, or retail spirit shop shall be issued to anyone who has been thrice convicted of an offence under any of the preceding sections of this Ordinance.

Effect of a third conviction.

Hours of
opening and
closing of
trade licence
shops ;
second
schedule ;
third
schedule.

Penalty.

8.—(1) No one shall open, or keep or permit to be open, any trade licence shop, or sell therein or therefrom any goods or merchandise, except on the days and between the hours set out in the second schedule and except as provided in the third schedule.

(2) Anyone who contravenes any of the provisions of this section shall be guilty of an offence and be liable on summary conviction for a first offence to a penalty not exceeding twenty-five dollars, for a second offence to a penalty not exceeding fifty dollars, and for a third and any subsequent offence to a penalty not exceeding one hundred dollars.

Half-
holidays :

9.—(1) In every shop in and within one mile of the municipal boundaries of the city of Georgetown, and in and within a quarter of a mile of the municipal boundaries of the town of New Amsterdam, a half-holiday shall be allowed in each week, which shall be Saturday, but the occupier of any shop shall have the option of substituting for the Saturday half-holiday a half-holiday on Wednesday or Thursday, and that alternative day shall be registered with the Inspector General as provided by the next ensuing sub-section.

(2) On payment of a registration fee of one dollar, an occupier shall be registered by the Inspector General in one or more register books kept by him or by his authority, for that purpose, as having exercised that option :

Proviso.

Provided that any occupier who at the commencement of this Ordinance is already registered under the provisions of the (repealed) Shop Closing Ordinance, 1924, as having exercised the option shall be deemed to have exercised it and shall not be required to re-register under this Ordinance.

(No. XXXV
of 1924) :

*For new provisions
see Sec. 39
(S.S. 35-79936)*

(No. XXXV
of 1924) :

(3) The register book and that kept under the (repealed) Shop Closing Ordinance, 1924, or a certified extract therefrom, shall be conclusive evidence of the exercise of the option.

(4) Any occupier so registered may at any time request the Inspector General in writing to cancel the registration, and it shall thereupon be cancelled, and the obligation of a Saturday half-holiday shall thereupon re-apply to that shop :

Proviso.

Provided that the occupier of the shop may not lawfully change the day oftener than once in any period of three months and, unless the option is exercised in the manner aforesaid, the half-holiday shall be deemed to be Saturday.

10. No occupier shall employ any shop assistant in any shop, tavern, or retail spirit shop, or trade licence shop, on the days or during the hours when it is not permitted to be open, except as provided in the third schedule.

Shop assistants not to be employed during closing hours; third schedule.

11. The occupier of a shop, or tavern, or retail spirit shop, or trade licence shop, who employs any shop assistant in contravention of this Ordinance, shall be guilty of an offence, and be liable on summary conviction for a first offence to a penalty not exceeding twenty-five dollars, for a second offence to a penalty not exceeding fifty dollars, and for a third and any subsequent offence to a penalty not exceeding one hundred dollars.

Employment of shop assistants in contravention of Ordinance; penalty.

12.—(1) The occupier shall be, and he is hereby declared to be, penally liable and responsible for every breach of any provision of this Ordinance by any member of his family, or by anyone employed, whether temporarily or permanently, in or about a hotel, tavern, retail spirit shop, trade licence shop, or other shop, in respect of which he is the occupier, 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.

Breach of provisions of Ordinance by relative or employee of holder of licence.

(2) Any member of the family, or anyone in the employ of the occupier may be examined as a witness for or against him 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 the breach.

13. Where by the provisions of this Ordinance the occupier is made liable to a penalty in respect of any act or omission and a charge is preferred alleging that act or omission,—

Proceedings in case of breach of provisions of Ordinance.

- (a) the summons may be served in the manner now permitted by law, or by leaving it with anyone 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 without the colony, his attorney or agent may appear at the hearing of the charge on his behalf; and
- (c) where the occupier is without 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 hereinbefore 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 penalty to be paid and to be levied by distress upon his goods; but where it is not shown that he left the colony to avoid the service of the summons upon him personally, the magistrate shall not make an order that he be imprisoned, either in default of sufficient goods being found or otherwise.

Recovery of penalties.

Chapter 14.

14. In default of payment of any penalty under the provisions of this Ordinance, it may be recovered in the manner provided for by the Summary Jurisdiction (Procedure) Ordinance.

Seats for female shop assistants.

15.—(1) In all shops where female shop assistants are employed in the service of customers, the occupier of the shop shall provide seats behind the counter, or in some other position suitable for the purpose, for the use of those assistants, and the seats shall be in the proportion of not less than one seat to every three female assistants employed.

Penalty.

(2) Any occupier failing to comply with the provisions of this section shall be guilty of an offence against this Ordinance, and be liable for a first offence to a fine not exceeding ten dollars, and for a second or subsequent offence to a fine not less than five dollars and not more than twenty-five dollars.

Exemptions.

16. Nothing in this Ordinance shall apply to shops—

- (a) for the sale of fresh meat, fresh fish, fresh fruit, fresh vegetables, milk, cream, ice, bread, cakes, or light refreshment;
- (b) for the sale of cooked food for consumption on or off the premises;
- (c) for the sale of non-alcoholic, aerated or mineral waters, but those shops shall not be opened or kept open after the hour of eleven at night except with special permission of the Inspector-General in writing, which permission shall not be given at any one time for a longer period than one week; and in respect of any of those shops opened after the hour of eleven at night or the extended time there shall be a liability to a like penalty as provided by sub-section (2) of section eight of this Ordinance;

or to the sale or delivery at any time of dangerous petroleum, if it is in good faith required for the locomotion of motor vehicles.

17. See Ord. 14 of 1935

FIRST SCHEDULE.

SHOWING THE DAYS AND OCCASIONS ON WHICH AND THE HOURS BETWEEN WHICH HOTELS, TAVERNS, AND RETAIL SPIRIT SHOPS MAY BE OPENED AND KEPT OPEN.

1	2	3	4
Days and occasions on which hotels, taverns, or retail spirit shops may be opened.	Hours between which hotels in and within one mile of the Municipal boundaries of Georgetown, and in and within a quarter of a mile of the municipal boundaries of New Amsterdam may be kept open for the sale of liquor and tobacco.	Hours between which taverns and retail spirit shops in and within one mile of the municipal boundaries of Georgetown, and in and within a quarter of a mile of the municipal boundaries of New Amsterdam may be kept open.	Hours between which hotels, taverns and retail spirit shops may be opened elsewhere than as specified in columns 2 and 3.
Every day except Sundays, Christmas Day and Good Friday, and as otherwise provided in this schedule.	7 a.m. to 8.30 p.m.	7.30 a.m. to 8.30 p.m.	No limit, except that no one shall open them, or keep them, or permit them, to be open, between the hours of ten p.m. of every Saturday and five of the following Monday morning and between the hours of ten p.m. and five of the following morning of any other day of the week, for the purpose of selling, bartering, or delivering, or sell, barter or deliver therein or therefrom, any liquor or tobacco, or permit the use of any billiard table or bagatelle board, unless otherwise provided by this or any other Ordinance.
Saturdays and all days immediately preceding a public holiday, and the period from 15th-31st December (inclusive).	7 a.m. to 9.30 p.m.	7.30 a.m. to 10.30 p.m.	
Easter Saturday, Boxing Day, and any public holiday falling on a Saturday.	7 a.m. to 9.30 p.m.	7.30 a.m. to 10.30 p.m.	
Public holidays	7 a.m. to 8.30 p.m.	6 a.m. to 1 p.m.	
Wednesdays immediately following (1) Easter Saturday and (2) Boxing Day and (3) any public holiday falling on a Saturday.	7 a.m. to 8.30 p.m.	7.30 a.m. to 1 p.m.	
Day or days allowed under section 3 (3) of this Ordinance to hotels containing not less than twelve bedrooms.	7 a.m. to time fixed by section 3 (2), being not later than two hours beyond the closing hours above.	—	
On any occasion provided for under sections 3 (4) and 4 (2).	7 a.m. to time fixed by section 3 (3), being not later than midnight.	7.30 a.m. to time fixed by section 4 (2) being not later than midnight.	
Every day to a bonâ fide resident, boarder, or traveller in a hotel.	No limit	

See Ord 8 of
1930. 52.

See Ord No 8 of 1930. S. 3.

See sec. 4 of Ord. 25 of 1930 for new schedule

SECOND SCHEDULE.

SHOWING THE DAYS ON WHICH AND THE HOURS BETWEEN WHICH TRADE LICENCE SHOPS MAY BE OPENED AND KEPT OPEN.

1 Days for opening.	2	3	4	5
<p>Every day except Sunday, and as otherwise provided in this schedule.</p> <p>Saturday, where not a half-holiday</p> <p>Half holidays</p> <p>Public holidays, other than the day following Good Friday.</p> <p>Any day or days except Sundays and public holidays other than the day following Good Friday, unless as otherwise provided in this schedule, but including half-holidays between the 8th and 24th (inclusive) of December.</p> <p>The day preceding any public holiday except Sunday, but where the public holiday is a Monday, then the Saturday before that public holiday.</p> <p>Public holidays, for the sale only of fresh meat, fresh fish, fresh vegetables, and not otherwise.</p>	<p>Hours between which shops in and within one mile of the municipal boundaries of Georgetown, and in and within a quarter of a mile of the municipal boundaries of New Amsterdam, paying a trade licence of \$50 and over, may be kept open.</p> <p>7.30 a.m. to 4 p.m. ...</p> <p>7.30 a.m. to 4 p.m. ...</p> <p>7.30 a.m. to 1 p.m. ...</p> <p>Not to be opened, except as otherwise provided in this schedule.</p> <p>7.30 a.m. to 6 p.m.</p> <p>7.30 a.m. to 10 p.m....</p> <p>6 a.m. to 9 a.m. ...</p>	<p>Hours between which provision shops and groceries in and within one mile of the municipal boundaries of Georgetown, and in and within a quarter of a mile of the municipal boundaries of New Amsterdam, paying a trade licence under \$50, other than shops licensed to sell drugs, may be kept open.</p> <p>6 a.m. to 8 p.m. ...</p> <p>6 a.m. to 10.30 p.m....</p> <p>6 a.m. to 1 p.m. ...</p> <p>6 a.m. to 12 noon ...</p> <p>6 a.m. to 10.30 p.m....</p> <p>6 a.m. to 10.30 p.m....</p> <p>...</p>	<p>Hours between which shops other than provision shops and groceries in and within one mile of the municipal boundaries of Georgetown, and in and within a quarter of a mile of the municipal boundaries of New Amsterdam, paying a trade licence of under \$50, may be kept open.</p> <p>7.30 a.m. to 7 p.m. ...</p> <p>7.30 a.m. to 10 p.m....</p> <p>7.30 a.m. to 1 p.m. ...</p> <p>Shall not be opened ...</p> <p>7.30 a.m. to 10 p.m....</p> <p>7.30 a.m. to 10 p.m....</p> <p>...</p>	<p>Hours between which all trade licence shops elsewhere than as specified in columns 2, 3 and 4 may be kept open.</p> <p>No limit, except that no one shall open them, or keep them, or permit them to be open, between the hours of eleven p.m. of every Saturday and five of the following Monday morning, and between the hours of ten p.m. and five of the following morning of any other day of the week, unless otherwise provided by this or any other Ordinance.</p>

THIRD SCHEDULE.

SHOWING THE CIRCUMSTANCES IN WHICH AND THE LENGTH OF TIME FOR WHICH SHOP ASSISTANTS MAY BE EMPLOYED BEYOND THE TIMES PROVIDED FOR IN THE FIRST AND SECOND SCHEDULES.

Circumstances.	Length of time.
Where serving customers who were in the tavern, retail spirit shop or trade licence shop before the closing hour,	not exceeding half an hour.
Where despatching or delivering orders received before the closing hour,	not exceeding half an hour.
Where employed in any trade licence shop paying an annual trade licence of \$50 and over, in any periodical stocktaking usual in the class of business carried on in that shop and of which two days' previous notice has been given to the Inspector General,	unlimited; but no shop assistant shall be employed after the hour of one p.m. on half-holidays.
Where employed in any chemist's or druggist's shop dispensing prescriptions, or selling drugs and medicine and medical appliances, solely for the use of any sick person or animal,	unlimited.
Where employed in any trade licence shop for the sale and delivery of any necessary requirements to hospitals and nursing institutions or, in the case of sickness, to private persons, on requisition in writing signed by a medical practitioner or certified nurse,	unlimited.