

PARLIAMENT OFFICE,
Public Buildings,
Georgetown,
Guyana.

17th July, 1997

The following Bill which will be introduced in the National Assembly is published for general information.

F. A. Narain,
Clerk of the National Assembly.



GUYANA

BILL No. 18 of 1997

SHOPS (MISCELLANEOUS ENACTMENTS) (AMENDMENT) BILL 1997

ARRANGEMENTS OF SECTIONS

SECTION

1. Short title.
2. Repeal of sections 188, 189, 190, 191, 192 and 193 of the Summary Jurisdiction (Offences) Act.
3. Amendment of section 2 of the Shops (Consolidation) Act.

4. Amendment of section 3 of the Shops (Consolidation) Act.
5. Repeal and re-enactment of section 4 of the Shops (Consolidation) Act.
6. Amendment of section 7 of the Shops (Consolidation) Act.
7. Amendment of section 8 of the Shops (Consolidation) Act.
8. Repeal and re-enactment of section 9 of the Shops (Consolidation) Act.
9. Amendment of section 11 of the Shops (Consolidation) Act.
10. Amendment of section 13 of the Shops (Consolidation) Act.
11. Amendment of section 15 of the Shops (Consolidation) Act.
12. Amendment of section 16 of the Shops (Consolidation) Act.
13. Amendment of section 17 of the Shops (Consolidation) Act.
14. Repeal of section 18 of the Shops (Consolidation) Act.
15. Amendment of section 19 of the Shops (Consolidation) Act.
16. Amendment of section 23 of the Shops (Consolidation) Act.
17. Amendment of First and Second Schedules to the Shops (Consolidation) Act.

A BILL

Intituled

**AN ACT to amend the Summary Jurisdiction (Offences)
Act and the Shops (Consolidation) Act.**

Enacted by the Parliament of Guyana:-

AD. 1997

Short title.

1. This Act may be cited as the Shops (Miscellaneous Enactments) (Amendment) Act 1997.

Repeal of sections 188, 189, 190, 191, 192 and 193 of the Summary Jurisdiction (Offences) Act.
Cap. 8:02

2. Sections 188, 189, 190, 191, 192 and 193 of the Summary Jurisdiction (Offences) Act are hereby repealed.

3. Section 2 of the Shops (Consolidation) Act is hereby amended as follows -

Amendment of section 2 of the Shops (Consolidation) Act. Cap. 91:04

(a) by the deletion of the definition of "Christmas period";

(b) by the substitution for the definition of "urban area" of the following definition -

"urban area" means the City of Georgetown and the town of New Amsterdam referred to in sections 3 and 25, respectively, of the Municipal and District Councils Act, and every town established under section 33 of that Act.'.

Cap. 28:01

4. Section 3(1) of the Shops (Consolidation) Act is hereby amended as follows -

Amendment of section 3 of the Shops (Consolidation) Act.

(a) at the end of paragraph (b) (ii) of the proviso, by the substitution for the comma of the words"; or" and the insertion immediately thereafter of the following paragraph -

"(iii) for the supplying of apparatus, fittings and material intended to be used for the

4.

repair or maintenance
of any plant, machinery,
apparatus or other thing,
or for supplying of
medicine or medical
equipment,

which is used in relation to the
provision of any of those services
tendered by whomsoever to the public
which are particularised in the
Schedule to the Public Utility
Undertakings and Public Health

Cap. 54:01 Services Arbitration Act,";

end of

(b) in the part immediately following the/
paragraph (b) (iii) as inserted, by
the substitution for the words
"(i) or (ii)" of the words "(i),
(ii) or (iii)".

Repeal and re-
enactment of
section 4 of the
Shops (Consol-
idation) Act.

5. Section 4 of the Shops (Consolidation) Act
is hereby repealed and the following section substituted
therefor -

"Weekly
holiday
and half
holiday.

4. (1) The occupier of a shop shall
grant to every shop assistant a
holiday of a continuous period
of twenty-four hours on one day
in every week and, in addition,
shall grant to such shop assistant
a half-holiday of a continuous

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period of twelve hours on another day in every week.

(2) Both the holiday and half-holiday may be taken together as one continuous period of thirty-six hours if the occupier of the shop and the shop assistant so agree.

(3) The holiday and half-holiday shall be determined by the occupier after consultation with the shop assistant and such determination shall take into consideration the shop assistant's day of worship."

6. Section 7 of the Shops (Consolidation) Act is hereby amended as follows -

Amendment of section 7 of the Shops (Consolidation) Act.

(a) in subsection (1), by the substitution for the words "forty and three-quarter hours in any week" of the words "the hours of employment authorised under section 11(d);"

(b) in subsection (2), by the substitution for the words "half-holiday on the same day in each week", of the words

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"weekly holiday and half-holiday on the days such holidays are agreed upon under section 4."

Amendment of section 8 of the Shops (Consolidation) Act.

7. Section 8 of the Shops (Consolidation) Act is hereby amended as follows -

- (a) by the deletion of subsection (2);
- (b) by the substitution for subsection (3) of the following subsection -

"(3) Notwithstanding subsection (1), an occupier of a shop shall pay to a shop assistant wages at the rate prescribed in subsection (4) in respect of any time worked during any of the periods, mentioned in the First Schedule in excess of seven and one-quarter hours per day."

Repeal and re-enactment of section 9 of the Shops (Consolidation) Act.

8. Section 9 of the Shops (Consolidation) Act is hereby repealed and the following section substituted therefor -

"Meal intervals.

9. The occupier of a shop shall on each working day other than on the half-holiday agreed upon under section 4, allow to each shop

assistant who has worked for four consecutive hours since the commencement of his shift, an interval from work of at least one and one-quarter hours for lunch or dinner as the case may be and, during any extension of the daily normal hours of work of a shop assistant authorised under this Act, an additional quarter of an hour during such extended hours."

9. Section 11 of the Shops (Consolidation) Act Amendment of section 11 of the Shops (Consolidation) Act.
is hereby amended as follows -

- (a) in the marginal note, by the substitution for the words "restaurants, parlours, cookshops, barbers' and hairdressers' establishments" of the word "shops";
- (b) by the substitution for the words "The occupier of a restaurant, parlour or cookshop, barbers' and hairdressers' establishment" of the words "The occupier of a shop";
- (c) in paragraph (e), by the substitution for the words "inspector or assistant inspector of labour" of the words "any officer of the Department of Labour";

(d) by the substitution for paragraph (d) of the following paragraph -

"(d) subject to section 8, shall not permit a shop assistant to work in the shop for an aggregate period exceeding seven and one-quarter hours on any day or forty and three quarter hours in any week."

Amendment of section 13 of the Shops (Consolidation) Act.

10. Section 13 (7) of the Shops (Consolidation) Act is hereby amended by the substitution for the words "one hundred and fifty", "two hundred and fifty" and "fifteen" of the words "seven thousand, five hundred," "twelve thousand, five hundred" and "seven hundred and fifty", respectively.

Amendment of section 15 of the Shops (Consolidation) Act.

11. Section 15(3) of the Shops (Consolidation) Act is hereby amended by the substitution for the words "inspector or assistant inspector of labour" of the words "any officer of the Department of Labour",

Amendment of section 16 of the Shops (Consolidation) Act.

12. Section 16(1) of the Shops (Consolidation) Act is hereby amended by the substitution for the words "one hundred and fifty" of the words "ten thousand, five hundred",

Amendment of section 17 of the Shops (Consolidation) Act.

13. Section 17 of the Shops (Consolidation) Act is hereby amended as follows -

(a) in paragraph (d), by the deletion of the words "until the hours of nine of the clock in the forenoon";

- (b) in paragraph (ii) or the proviso by the substitution for the words "section (d)" of the words "sections 9 and 11(d)".

14. Section 18 of the Shops (Consolidation)

Act is hereby repealed..

Amendment of section 18 of the Shops (Consolidation) Act.

15. Section 19 of the Shops (Consolidation)

Act is hereby amended as follows -

Amendment of section 19 of the Shops (Consolidation) Act.

- (a) in subsection (1)(a), by the substitution for the words "seventy-five" and "one hundred and fifty" of the words "five thousand, three hundred" and "ten thousand, five hundred", respectively;
- (b) in subsection (1)(b), by the substitution for the words "fifteen" and "seventy-five" of the words "one thousand, five hundred" and "five thousand, three hundred", respectively;
- (c) in subsection (3), by the substitution for the word "forty" of the words "two thousand, eight hundred".

16. Section 23 of the Shops (Consolidation)

Act is hereby amended as follows-

Amendment of section 23 of the Shops (Consolidation) Act.

- (a) in subsection (1), by the substitution for the words "seventy-five", "one hundred and

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"fifty" wherever they occur, "four hundred" wherever they occur, and "seven hundred and fifty" of the words "five thousand, three hundred", "ten thousand, five hundred", "twenty-eight thousand", and "fifty-two thousand five hundred", respectively ;

(b) in subsection (2), by the substitution for the words "one hundred and fifty" of the words "ten thousand, five hundred".

Amendment of
First and Second
Schedules to the
Shops (Consolidation)
Act.

17. The First and Second Schedules to the Shops (Consolidation) Act are hereby deleted and the following Schedules substituted therefor -

"FIRST SCHEDULE

s. 3

DAYS AND HOURS BETWEEN WHICH CERTAIN
SHOPS MAY OPEN

1. URBAN AREAS

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

Every day other than
public holidays - 7.30a.m. - 8.00p.m.

2. RURAL AREAS

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

Every day other than
Public holidays - 7.00 a.m. - 6.00 p.m.

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

Restaurants and Parlours, Barbers'
and Hairdressers' Establishment - Every day - 6.00 a.m.
to midnight.

SECOND SCHEDULE

s.6

EMPLOYMENT OF SHOP ASSISTANTS BEYOND THE TIME

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 | Not exceeding half an hour. |

3. Checking and balancing

cash Not exceeding half
an hour."

EXPLANATORY MEMORANDUM

This Bill seeks to repeal the provisions of the Summary Jurisdiction (Offences) Act, Cap. 8:02, dealing with the prohibition of trading on Sunday. This amendment has become necessary in view of the increase in economic activities and promotion of tourism, and the request of many proprietors of trading establishments for permission to vary the opening and closing hours of their establishments and to remove the prohibition on Sunday trading.

The Bill also seeks to amend the Shops (Consolidation) Act, Cap. 91:04, to allow for longer shopping hours and shopping on Sundays, and to regulate trading during the extended hours so as not to derogate from the existing benefits, including normal hours of work, overtime and holidays, enjoyed by shop assistants. The Bill also increases to realistic levels, the existing monetary fines prescribed for offences under the Act.

H. B. Jeffrey,
Minister of Labour, Housing
Human Services and Social Security.