

TRADING HOURS.

No. 19 of 1962.

An Ordinance relating to Trading Hours.

PART I.—PRELIMINARY.

1. This Ordinance may be cited as the *Trading Hours Ordinance* 1962.* Short title.
2. This Ordinance shall come into operation on the first day of January, 1963. Commencement.
3. The *Trading Hours Ordinance* 1926⁹ and the *Trading Hours Ordinance* 1931⁹ are repealed. Repeal.
4. This Ordinance is divided into Parts, as follows:— Parts.
 - Part I.—Preliminary (Sections 1-6).
 - Part II.—Hours for the Sale of Goods (Sections 7-10).
 - Part III.—Inspectors (Sections 11-13).
 - Part IV.—Miscellaneous (Sections 14-18).
- 5.—(1.) In this Ordinance, unless the contrary intention appears— Interpretation.
 - “exempt goods” means goods specified in the Schedule to this Ordinance;
 - “inspector” means a person appointed in pursuance of section eleven of this Ordinance to be an inspector;
 - “late-shopping day”, in relation to a shop, means a day that is, in accordance with section ten of this Ordinance, a late-shopping day in relation to the shop;
 - “public holiday”, in relation to the Territory or a part of the Territory, means a day that is observed as a public holiday in the Territory or in the part of the Territory by virtue of the *Holidays Ordinance* 1958;
 - “shop” means a place, building, stall or tent in which—
 - (a) goods are sold or exposed for sale; or
 - (b) goods are received for servicing or repair;

* Made on 14th December, 1962; notified in the *Commonwealth Gazette* on 19th December, 1962, and commenced on 1st January, 1963.

“shopkeeper” means a person who directly or indirectly, as principal, occupies a shop;

“week” means the period of seven days commencing on a Sunday;

“week-day” means a Monday, Tuesday, Wednesday, Thursday or Friday that is not a public holiday.

(2.) Where goods are exposed for sale in a part of a building that is separated from the remainder of the building by a substantial partition, that part of the building shall be deemed to be a shop for the purposes of this Ordinance.

Application of Ordinance.

6.—(1.) The Minister may, by notice published in the *Gazette*, declare that this Ordinance shall not apply in a part of the Territory specified in the notice and, while the notice is in force, this Ordinance does not apply in that part of the Territory.

(2.) This Ordinance does not apply to or in relation to the sale of exempt goods, or to or in relation to the sale of any other goods—

(a) by a person otherwise than for the purpose of, or in the course of, carrying on a business;

(b) by a person, registered as a pharmacist under the *Pharmacy Ordinance* 1931-1959, for the purpose of, and in the course of, carrying on business as a pharmacist;

(c) by a hawker for the purpose of, and in the course of, carrying on business as a hawker;

(d) by an organization otherwise than—

(i) in the ordinary course of business of the organization; and

(ii) for the purposes of profit or gain to the individual members of the organization;

(e) at a show held by The National Agricultural Society; or

(f) at an exhibition or fair approved by the Minister for the purposes of this paragraph.

(3.) This Ordinance does not apply to or in relation to the sale of liquor in accordance with the provisions of the *Liquor Ordinance* 1929-1962 or of any other Ordinance relating to the sale or supply of liquor.

(4.) In the last preceding sub-section, “liquor” has the same meaning as in the *Liquor Ordinance* 1929-1962.

PART II.—HOURS FOR THE SALE OF GOODS.

7.—(1.) This section does not apply to or in relation to the sale of—

Goods other than exempt goods, and goods sold by auction.

- (a) exempt goods; or
- (b) goods sold by auction.

(2.) For the purposes of this section, the sale of goods at a shop is prohibited at any time—

- (a) on a Sunday;
- (b) on a day that is a public holiday in the Territory or in part of the Territory in which the shop is situated;
- (c) on a week-day—before the hour of six o'clock in the morning of that day;
- (d) on a week-day that is not a late-shopping day in relation to the shop—after the hour of six o'clock in the evening of that day;
- (e) on a week-day that is a late-shopping day in relation to the shop—after the hour of nine o'clock in the evening of that day;
- (f) on a Saturday that is not a public holiday—before the hour of six o'clock in the morning of that Saturday; or
- (g) on a Saturday that is not a public holiday—after the hour of noon on that Saturday.

(3.) A person shall not sell goods at a shop at a time when the sale of goods at a shop is prohibited.

Penalty: One hundred pounds.

(4.) A shopkeeper shall not, at a time when the sale of goods at a shop is prohibited, sell away from his shop goods of a kind that he ordinarily sells at his shop.

Penalty: One hundred pounds.

8.—(1.) A person shall not sell by auction goods—

Goods sold by auction.

- (a) at a time when the sale of goods at a shop is prohibited by virtue of any of paragraphs (a) to (f), inclusive, of sub-section (2.) of the last preceding section; or
- (b) on a Saturday that is not a public holiday—at any time after the hour of six o'clock in the evening of that Saturday.

Penalty: One hundred pounds.

(2.) It is a defence to a prosecution for an offence against the last preceding section arising out of a sale of goods made between the hours of noon and six o'clock in the evening on

a Saturday if the person charged satisfies the court before which he is charged that the goods were offered for sale at an auction held between those hours on that Saturday but were not sold at that auction.

**Delivery of
goods at shop.**

9. A shopkeeper, a person acting in the management of a shop or a person employed in a shop shall not deliver at the shop—

(a) any goods sold at the shop; or

(b) any serviced or repaired goods,

at a time when a sale of those goods at the shop would be prohibited under either of the last two preceding sections.

Penalty: One hundred pounds.

**Late-shopping
days.**

10.—(1.) For the purposes of this Ordinance, each Friday is, subject to this section, a late-shopping day in relation to a shop.

(2.) The Minister may, by notice published in the *Gazette*, fix the day (other than a Friday) of a week which shall be a late-shopping day in relation to a shop, or to shops included in a class of shops, specified in the notice and, while the notice is in force, the last preceding sub-section does not apply in relation to that shop or to those shops but, subject to the succeeding provisions of this section, the day so fixed is, in each week, the late-shopping day in relation to that shop or those shops, as the case may be.

(3.) Whenever the day in a week which, by virtue of a previous provision of this section, is the late-shopping day in relation to a shop is a public holiday, that day shall not be a late-shopping day in relation to the shop but the day (if any) in that week (not being a Sunday or a public holiday) which last precedes that day is, subject to the succeeding provisions of this section, a late-shopping day in relation to the shop.

(4.) Whenever Christmas Eve or New Year's Eve falls on a day of a week other than a Sunday, a Saturday or a public holiday and is not, by virtue of a previous provision of this section, a late-shopping day in relation to a shop, Christmas Eve or New Year's Eve, as the case may be, shall, if the shopkeeper of the shop so determines, be the late-shopping day in that week in relation to the shop in the place of the day in that week which, but for this sub-section, would be the late-shopping day in relation to the shop.

(5.) The Minister may, by notice published in the *Gazette*, specify a particular day as a late-shopping day in relation to a shop, or to shops included in a class of shops,

specified in the notice and, in the week in which that day falls, the day so specified shall be deemed to be the late-shopping day in relation to that shop or those shops in the place of the day in that week which, but for this sub-section, would be the late-shopping day in relation to that shop or those shops.

PART III.—INSPECTORS.

11. The Minister may, by writing under his hand, appoint such persons as he thinks necessary to be inspectors for the purposes of this Ordinance.

Appointment of inspectors.

12.—(1.) For the purposes of this Ordinance, an inspector or a member of the Police Force of the Territory may at any time enter and inspect a shop or a place which he has reason to believe is used as a shop.

Powers of inspectors and members of Police Force.

(2.) A person shall not obstruct, molest or hinder an inspector or a member of the Police Force in the exercise of his powers under this section.

Penalty for a contravention of this sub-section: One hundred pounds.

13.—(1.) The Minister shall issue to an inspector a certificate stating that he is an inspector.

Issue and production of certificate of identity.

(2.) An inspector who enters a shop or place in pursuance of this Ordinance is not authorized to remain in the shop or place if, on request by the occupier of the shop or place for production of the certificate so issued to him, the inspector does not produce the certificate.

PART IV.—MISCELLANEOUS.

14. A shopkeeper, a person acting in the management of a shop or a person employed in a shop shall not, by advertisement, notice or otherwise, state or indicate that he is prepared to sell goods in contravention of a provision of this Ordinance.

Advertisements.

Penalty: One hundred pounds.

15. Where goods are sold in contravention of a provision of this Ordinance, the shopkeeper and the person acting in management of the shop shall each be deemed to have committed an offence and each is punishable, upon conviction, by a fine not exceeding One hundred pounds.

Shopkeepers and managers of shops.

Defence where
goods sold
after hours.

16. Where it is an offence against a provision of this Ordinance to sell goods at a shop on a day after an hour specified in the provision and a person is charged with an offence against the provision arising out of a sale of goods in contravention of the provision, it is a defence to the prosecution for the offence if the person charged satisfies the court before which he is charged—

- (a) that the person to whom the goods were sold was in the shop being served, or waiting to be served, immediately before the hour so specified; and
- (b) that the goods were sold to that person within half an hour after the hour so specified.

Defence where
act done by
another person.

17. Where a shopkeeper or person apparently acting in the management of a shop is charged with an offence against a provision of this Ordinance and the Court before which he is charged is satisfied that the act or omission constituting the offence was done or omitted to be done by another person, it is a defence to the charge if the person charged satisfies the court—

- (a) that he used due diligence to enforce the provision of this Ordinance; and
- (b) that the act or omission was done or omitted to be done by that other person without his knowledge, consent or connivance.

Regulations.

18. The Minister may make regulations, not inconsistent with this Ordinance, prescribing all matters necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance.

THE SCHEDULE.

Section 5.

EXEMPT GOODS.

1. Foodstuffs and non-alcoholic beverages.
2. Ice.
3. Petrol, fuel-oils, and lubricants.
4. Motor vehicles and parts for motor vehicles and engines.
5. Tyres and tubes.
6. Flowers.
7. Newspapers, books and periodicals.
8. Tobacco, cigars, cigarettes, cigarette papers, cigarette holders, matches, pipes and pipe cleaners.
9. Soap, toothpaste, toothbrushes, shaving cream and lotions, cosmetics, razors and razor blades, adhesive bandages and toilet paper and tissues.