

New Zealand



ANALYSIS

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. Reducing hours of employment of shop-assistants.</p> | | <p>3. Provisions as to opening and closing hours of shops. Repeal.</p> <p>4. Statutory closing-day in Sumner and New Brighton areas. Repeal.</p> |
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1945, No. 38

AN ACT to amend the Shops and Offices Act, 1921-22. Title.
[7th December, 1945

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Shops and Offices Amendment Act, 1945, and shall be read together with and deemed part of the Shops and Offices Act, 1921-22 (hereinafter referred to as the principal Act.)

Short Title.
 See Reprint of Statutes, Vol. III, p. 240

2. (1) Section three of the Shops and Offices Amendment Act, 1936, is hereby amended by omitting from paragraph (a) of subsection one the words "forty-four hours", and substituting the words "forty hours".

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(2) Notwithstanding anything to the contrary in the said section three, as amended by the last preceding subsection, the Court of Arbitration on the application of any party bound or to be bound by any award relating to the employment of shop-assistants may by order in respect of any award in force on the passing of this Act or in any new award authorize shop-assistants to be employed in connection with the business of any class of shops for more than forty hours but not for more than forty-four hours (excluding meal-times) in any one week if in the opinion of the Court it would be impracticable to carry on efficiently the business of that class of shops without the employment of shop-assistants for the extended hours:

Provided that every shop-assistant who is employed during extended hours as aforesaid shall, at the first regular pay-day thereafter, be paid therefor at not less than one-half as much again as the ordinary rate, but the overtime rate shall not in any case be less than one shilling and sixpence an hour.

(3) Section six of the Shops and Offices Amendment Act, 1936, is hereby amended by omitting from subsection two the words "forty-four hours", and substituting the words "forty hours".

(4) Nothing in this section shall be deemed to derogate from the provisions of section seven of the Shops and Offices Amendment Act, 1936.

(5) Every shop-assistant employed in connection with the business of a shop shall be employed continuously on each day except for meal-times and for intervals of rest provided as required by subsection two of section three of the Shops and Offices Amendment Act, 1936.

(6) In any case where the meal-time allowed to a shop-assistant exceeds one hour the shop-assistant shall, for the purposes of the principal Act (including this section), be deemed to be employed in connection with the business of the shop during that part of the meal-time which exceeds one hour.

(7) Notwithstanding anything to the contrary in section three of the Shops and Offices Amendment Act, 1936, or in the foregoing provisions of this section, it

shall be lawful up to the last day of June, nineteen hundred and forty-six, for shop-assistants to be employed in connection with the business of any shop for more than forty hours but not for more than forty-four hours (excluding meal-times) in any one week:

Provided that every shop-assistant who is employed during extended hours as aforesaid shall, at the first regular pay-day thereafter, be paid therefor at not less than one-half as much again as the ordinary rate, but the overtime rate shall not in any case be less than one shilling and sixpence an hour.

(8) All awards and industrial agreements under the Industrial Conciliation and Arbitration Act, 1925 (whether made before or after the passing of this Act), shall be read subject to the provisions of this section:

See Reprint
of Statutes,
Vol. III, p. 939

Provided that nothing herein shall be construed to reduce the rate of wages payable to any worker, pursuant to any award or industrial agreement, or to increase his working-hours as fixed by any such award or agreement.

(9) Nothing in this section shall apply to hotels or restaurants or to the assistants employed therein.

3. (1) Section sixty-nine of the principal Act is hereby amended by repealing subsection one (as enacted by section seventeen of the Shops and Offices Amendment Act, 1927), and substituting the following subsection:—

Provisions as
to opening and
closing hours
of shops.

“(1) In any award relating to the employment of shop-assistants made after this subsection comes into force the Court of Arbitration, having regard to all relevant considerations, may—

“(a) Fix the hour of opening and the hour of closing on any working-day of any shops in which is carried on any class of business to which the award relates in any industrial district in which the award has effect, or in any specified part of any such district, irrespective of whether or not any assistants are employed in those shops;”

“(b) Provide that those shops shall not be open for business on one working-day in each week (whether or not the particular day is specified in the award); and

“(c) Provide that those shops shall not be open for business on any holiday prescribed by the award.”

(2) For the purposes of subsection one of the said section sixty-nine, as enacted by subsection one hereof, the occupier of every shop, whether employing assistants or not, shall in respect of that shop be deemed to be an employer within the meaning of the Industrial Conciliation and Arbitration Act, 1925.

(3) The authority conferred on Magistrates by section nineteen of the Shops and Offices Amendment Act, 1927, is hereby extended to enable a Magistrate to grant exemption from any opening-hours fixed by any award or from any provision therein that shops shall not be open for business on one working-day in each week (whether or not the particular day is specified in the award) or on any holiday prescribed by the award.

(4) While the closing-hours of any shops are fixed by an award, nothing in section thirty-two of the principal Act shall apply to those shops.

(5) This section is in substitution for section seven-
of the Shops and Offices Amendment Act, 1927,
and that section is hereby accordingly repealed.

4. (1) Section thirteen of the principal Act is hereby amended by repealing the proviso to subsection two (as enacted by section seventy-three of the Statutes Amendment Act, 1941).

(2) For the purposes of the principal Act, that portion of the City of Christchurch that immediately before the first day of April, nineteen hundred and forty-five, constituted the Borough of Sumner (hereinafter referred to as the Sumner area) shall be deemed to be a borough and the Christchurch City Council shall be deemed to be the local authority thereof.

(3) For the purposes of the principal Act, that portion of the City of Christchurch that immediately before the first day of April, nineteen hundred and

See Reprint
of Statutes,
Vol. III, p. 285

Repeal.

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closing-day in
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New Brighton
areas.
1941, No. 26

forty-one, constituted the Borough of New Brighton (hereinafter referred to as the New Brighton area) shall be deemed to be a borough and the Christchurch City Council shall be deemed to be the local authority thereof.

(4) Notwithstanding anything to the contrary in section thirteen of the principal Act, the Sumner area and the New Brighton area shall not form part of the combined district of Christchurch, but shall each be deemed to be a separate district.

(5) Section seventy-three of the Statutes Amendment Act, 1941, is hereby repealed. Repeal.

(6) This section shall be deemed to have come into force on the first day of April, nineteen hundred and forty-five.
