

No. 27. *Shop (Hours of Opening and Employment)*. 1942.

No. 27—1942.

Shop (Hours of Opening and Employment) (Amendment).

AN ORDINANCE to amend the Shop (Hours of Opening and Employment) Ordinance, Ch. 31. No. 14.

Commencement. [1st February, 1943.]

Short title. **1.** This Ordinance may be cited as the Shop (Hours of Opening and Employment) (Amendment) Ordinance, 1942, and shall be read as one with the Shop (Hours of Opening and Employment) Ordinance, hereinafter referred to as the Principal Ordinance.

Construction. Ch. 31. No. 14.

Section 2 of the Principal Ordinance amended.

2 Section 2 of the Principal Ordinance is hereby amended by—

(a) inserting the following as the first definition therein—

“controlled business” means any one or more of the following trades or businesses, namely, any retail trade or business (including retail sales by auction but not including the sale of programmes and catalogues and other similar sales at theatres and places of amusement), the sale of intoxicating liquor under licence, the business of a pawnbroker, barber, hairdresser, wholesale provision shop, refreshment house, restaurant, dairy shop, parlour or cook shop;

(b) inserting the following between the definitions of “immediate family” and “shop”—

“Inspector” means a person appointed as such under section 2A of this Ordinance;

(c) substituting the following for the definition of “shop”—

“shop” means all directly inter-connected premises or contiguous places used by any person for—

(a) exposing goods for sale as part of any controlled business carried on by him; or

- (b) the storage, preparation, processing or manufacture of goods, some or all of which are ordinarily disposed of in the course of any controlled business carried on by him ; or
- (c) any other purpose of a controlled business carried on by him,

or, where part only of any premises or places are so used, means that part :
 Provided that the term " shop " shall not include any market lawfully held, or any bazaar for charitable or public purposes, or any separate room or workshop used exclusively for the storage, preparation, processing or manufacture of goods which are of a description ordinarily disposed of in substantial quantities otherwise than in the course of controlled business.

3. After section 2 of the Principal Ordinance there shall be inserted the following sections :—

Appointment
of Inspectors.

2A. The Governor may appoint one or more persons to be Inspectors for the purposes of this Ordinance.

Powers and
duties of
Inspectors
and
members of
the Police
Force.

2B. (1) For the purpose of ascertaining whether the provisions of this Ordinance or of any Shop Order are being, or have been, duly observed and obeyed, any Inspector and any member of the Police Force not below the rank of non-commissioned officer shall have the right to enter any premises or places which are, or which he may have grounds for suspecting to be, a shop at any time when such premises or places are open for business, and to require admission to any such premises or places, whether open for business or not, at any time when he has grounds for suspecting that any provision of this Ordinance or of a Shop Order is being, or has recently been, contravened therein, and to inspect such premises or places and to examine any person employed in or about such premises or places and to require production to him of any books or documents relating to the subject matter of the investigation.

Sections 2A
and 2B insert-
ed in Principal
Ordinance.

No. 27. *Shop (Hours of Opening and Employment).* 1942.

(2) If any person wilfully delays or obstructs an Inspector or a member of the Police Force in the exercise of any powers conferred by this section, or fails to give information properly requested, or to produce books or documents properly called for, in exercise of such powers, or prevents or attempts to prevent any person from appearing before or being examined by an Inspector or member of the Police Force, or conceals or attempts to conceal any person with the same object, he shall be liable on summary conviction to a fine of two hundred and forty dollars.

Section 4 of
Principal
Ordinance
amended.

4. Section 4 of the Principal Ordinance is hereby amended by—

(a) substituting the following for subsection (2) thereof:

(2) Notwithstanding anything to the contrary in this Ordinance contained, it shall be lawful for the Governor in his discretion to authorise, by notice published in a daily newspaper published in the Colony, the extension on special occasions of the time during which any licensed premises mentioned in such notice may be kept open. Such extension shall be granted when the Governor is satisfied that it will be for the general public convenience and will not injuriously affect public order.

(b) deleting subsection (3) thereof.

Section 15 of
the Principal
Ordinance
amended.

5. Section 15 of the Principal Ordinance is hereby amended by deleting subsection (4) thereof.

Shop Order
in Schedule
to Ordinance
Ch. 31. No. 14.
amended.

6. The Shop Order contained in the Schedule to the Principal Ordinance is hereby amended by the Shop (Amendment) Order contained in the Schedule to this Ordinance.

SCHEDULE.

(Section 6.)

SHOP (AMENDMENT) ORDER.

1. This Order may be cited as the Shop (Amendment) Order, 1942, Short title. and shall be read as one with the Shop Order contained in the Schedule to the Shop (Hours of Opening and Employment) Ordinance, Ch. 31. No. 14. which is hereinafter referred to as the Principal Order,

2. Paragraph 2 of the Principal Order is hereby amended by inserting the following after the definition of "parlour" therein occurring:

Paragraph 2
of Principal
Order
amended.

"scheduled area" means one of the areas described in the Third Schedule hereto or any area added to such Schedule by order of the Governor.

3. Paragraph 5 of the Principal Order is hereby revoked and replaced by the following:—

Paragraph 5 of
Principal
Order revoked
and replaced.

Exemp-
tions. 5. The following acts and transactions shall be exempt, to the extent herein indicated and no further, from the provisions of this Order in respect of closed days or of hours of opening and closing:

- (a) the sale at any time and on any day of any provisions, stores, coals, or other supplies for the use of any vessel anchored in the harbours of Port-of-Spain, San Fernando, Brighton or Scarborough, on the written order of the Captain or Chief Officer or the local agent of such vessel, and subject to compliance with the Customs Laws;
- (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;
- (c) the sale of dairy produce or ice and the delivery of yeast for baking purposes at any time and on any day;
- (d) the sale of bread, fresh meat, fresh fish, fresh fruit or fresh vegetables, until 9 a.m. on any closed day and at any hour on any other day;
- (e) the delivery between 6 a.m. and 9 a.m. from a grocery on any day when such grocery is required to be closed of any goods of the kind described in the definition of "grocery" contained in paragraph 2 of this Order; such delivery to be made at the premises of the persons who have ordered the goods;
- (f) the making at any time, except on closed days, of articles of clothing, boots and shoes to order, in shops where no other trade or business is carried on;
- (g) the sale at any time and on any day of any newspaper published in the Colony;
- (h) the sale at any time and on any day at petrol filling stations, motor vehicle and repair service stations, or motor vehicle spare parts shops, of petroleum products, lubricants and accessories required for the urgent repair of, or immediate use in, any vehicle;

No. 27. *Shop (Hours of Opening and Employment).* 1942.

- (i) the sale at any time and on any day in San Fernando of oilfield supplies urgently required by persons operating for oil;
- (j) the exercise in their shops at any time and on any day, not being a closed day, of their profession or calling by opticians, barbers, hairdressers, manicurists, and beauty specialists: Provided that no article be sold outside the opening hours prescribed for such shops;
- (k) the sale at any time and on any day in any cookshop of food cooked therein;
- (l) demonstrations at any time and on any day by motor dealers: Provided that the place of business is closed as required by any Shop Order in force;
- (m) the sawing, milling and moulding of lumber or timber in a timber yard at any time, except on closed days, and the transport of lumber or timber in, or in connection with a timber yard.

Paragraph 10
of Principal
Order revoked
and replaced.

4. Paragraph 10 of the Principal Order is hereby revoked and replaced by the following:—

Hours of
employ-
ment.

10. In scheduled areas no employee shall be employed in or about any one or more shops on any day for more than $4\frac{1}{2}$ consecutive hours calculated from the time of commencing duty, without an interval of at least three-quarters of an hour for mealtime, rest or relaxation before the next spell of duty, nor for any subsequent period of more than 3 hours without an additional interval of at least a quarter of an hour for the aforesaid purposes, nor for any aggregate period, excluding meal or rest intervals, exceeding 45 hours in any one week: Provided that such aggregate period shall be extended by an additional period equal to the number of opening hours by which the time of opening is extended under the provisions of section 4 of this Ordinance, or by the number of hours occupied in stock-taking in accordance with paragraph 8 of this Order: Provided further that for each additional hour or part thereof beyond 45 hours in any one week exclusive of meal and rest intervals an employee shall be paid at the rate of time-and-a-half of his or her average hourly earnings for that week or at the rate of not less than 30c. per hour, whichever is the greater.

Paragraph 11
of Principal
Order revoked
and replaced.

5. Paragraph 11 of the Principal Order is hereby revoked and replaced by the following:—

List of
persons
em-
ployed
in
certain
shops to
be
posted
up.

11. (1) In scheduled areas the owner or person in charge of a shop shall have posted in a conspicuous position in the shop a list signed by him showing the opening and closing hours of the shop and the names, addresses and hours of employment of every employee in such shop, and also a similar list of such members of the owner's family (stating the precise relationship) who attend on customers therein; and he shall not knowingly cause or suffer or permit any employee to work in the shop outside of the hours of employment indicated in such list, nor to work in more than one shop, nor shall he knowingly employ any such employee who works as an employee in any other shop on the same day.

(2) The owner or person in charge of a shop in a scheduled area shall at the request of an Inspector or any member of the Police Force not below the rank of Non-Commissioned Officer, produce the list mentioned in the next preceding sub-paragraph and afford him every facility for verifying the correctness of the particulars therein contained.

6. Paragraph 12 of the Principal Order is hereby revoked and replaced by the following :—

Nature of opening hours, &c., to be given to Commissioner of Police. 12. The owner or person in charge of any shop, wherever situated, shall send a written notification to the Commissioner of Police of the opening and closing hours of such shop, and the hours so notified shall thereafter remain unchanged for at least three months and may only be changed at the expiration of the first three-monthly period or of any subsequent three-monthly period after written notice given to the Commissioner of Police at least 15 days before the expiration of the three-monthly period at the end of which the change is to take place.

Paragraph 12 of Principal Order revoked and replaced.

7. The First Schedule to the Principal Order is hereby revoked and replaced by the following :—

FIRST SCHEDULE.

Subject to the provisions of the following paragraphs of this First Schedule, the opening hours for shops of the classes specified in this paragraph shall be :—

First Schedule to Principal Order revoked and replaced.

In scheduled areas—

- (a) Spirit Retailers' Shops and Wine Retailers' Shops Thursday (early closing day) 8 a.m.-1 p.m. Other week days 8 a.m.-8 p.m.
- (b) Groceries ... Thursday (early closing day) 6.30 a.m.- 1 p.m. Other week days 6.30 a.m.-8 p.m.
- (c) Drug Stores ... Every week day 7 a.m.-9 p.m. Provided that no goods, other than drugs, infants' requisites and articles required for sick persons and animals, shall be sold outside the opening hours for general shops.
- (d) All other shops except parlours and shops mentioned in paragraph 3 of this First Schedule. Saturday 8 a.m.-12 noon. Other week days 8 a.m.-8 p.m.

In areas outside scheduled areas—

- (a) All shops other than drug stores, parlours, and shops mentioned in paragraph 3 of this First Schedule. Saturday (late closing day) 6.30 a.m.-8 p.m. Thursday (early closing day) 6.30 a.m.-1 p.m. Other week days 6.30 a.m.-7 p.m.
- (b) Drug Stores ... Every week day 7 a.m.-9 p.m. Provided that no goods, other than drugs, infants' requisites, and articles required for sick persons and animals, shall be sold after the closing hours for general shops.

2. When any public holiday, within the meaning of the Public Holidays Ordinance, Ch. 42. No. 1. as from time to time amended falls on the day following an early closing day, then such early closing day may be regarded as an ordinary closing day.

3. Restaurants, refreshment houses and dairy shops may remain open for serving customers between the hours of 5.30 a.m. and 11.30 p.m. on any day including a closed day: Provided that on closed days and after 7 p.m. on other days such shops may sell only food for consumption on or off the premises and the following articles, namely, non-alcoholic beverages, cigarettes, cigars, confectionery, and matches: Provided further that restaurants licensed under the Liquor Licences Ordinance, 1933, may also sell intoxicating liquors according to the terms of such licence.

4. A barber or hair-dresser may attend on a customer on a closed day only at the customer's own residence.

5. The opening hours for parlours shall be those fixed in the Second Schedule to this Order: Provided that outside the opening hours for groceries as set out in the First Schedule to this Order, none of the articles set out in the Second Schedule to this Order shall be sold in the original container except aerated waters, cigarettes, confectionery, ice cream, matches, milk (condensed) and milk (fresh).

Third Schedule
added to
Principal
Order.

8. After the Second Schedule to the Principal Order the following Schedule shall be added:—

THIRD SCHEDULE.

SCHEDULED AREAS.

- (a) The City of Port-of-Spain including any area within one mile of the boundaries thereof.
- (b) The Boroughs of San Fernando and Arima.
- (c) Any area lying within half-a-mile of that portion of the Eastern Main Road which extends from the City limits of Port-of-Spain and the Borough limits of Arima.
- (d) The area lying within a radius of one mile of the Magistrate's Court, Sangre Grande.
- (e) The area lying within a radius of one mile of the Magistrate's Court, Couva.
- (f) The area lying within a radius of one mile of the Magistrate's Court, Chaguanas.
- (g) The area lying within a radius of one mile of the Magistrate's Court, Princes Town.
- (h) The area lying within a radius of one mile of the Magistrate's Court, Cedros.
- (i) The area lying within a radius of one mile of the Magistrate's Court, Siparia.
- (j) The area lying within a radius of one mile of the Magistrate's Court, Rio Claro.
- (k) The area lying within a radius of one mile of the Police Station, Point Fortin.
- (l) The area lying within a radius of one mile of the Administrative Offices, Scarborough.
- (m) The area lying within a radius of one mile of the Magistrate's Court, Roxborough.