

LAWS OF FIJI

CHAPTER 100

SHOP (REGULATION OF HOURS AND EMPLOYMENT)

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SHOP (REGULATION OF HOURS AND EMPLOYMENT)

Ordinances Nos. II of 1964, 47 of 1965, 37 of 1966, Act No. 14 of 1975

AN ACT TO REGULATE SHOP HOURS AND TO REGULATE THE EMPLOYMENT OF SHOP ASSISTANTS

[1st April, 1965.]

Short Title

1. This Act may be cited as the Shop (Regulation of Hours and Employment) Act.

Application of Act

2. The provisions of this Act shall apply to any town and to any other area to which the Minister applies all or part of the provisions of the Act by notification in the Gazette.
(*Substituted by 14 of 1975, s. 22*)

Interpretation

3. In this Act, unless the context otherwise requires-

"local authority" means the town council in any town and such person as shall be appointed by the Minister in any other area to which the Minister applies all or part of the provisions of this Act; (*Substituted by 14 of 1975, s. 22*)

"occupier" means the person having charge of any shop or owning the business thereof or employing any person in or in connexion with any shop. (*Amended by 47 of 1965, s. 2*)

"public holiday" means any public holiday established under the provisions of the Public Holidays Act; (*Cap. 101*)

"retail trade or business" includes the business of a barber or hairdresser, the sale of refreshments or intoxicating liquor and retail sales by auction; but does not include the sale of programmes, catalogues, refreshments, and other similar sales at theatres and places of public amusement;

"shop" means any premises in respect of which, by reason of the trade or business carried on therein, a wholesale and retail store licence, a retail store licence, a butcher's licence or a chemist's and druggist's licence is in force or required by law in respect of such premises:

Provided that there shall be excluded from this definition-

(a) in respect of sales to bona fide lodgers in an hotel in connexion with which a publican's licence has been granted under the provisions of the Liquor Act, a shop situated in the premises of such hotel; (*Cap 192*)

(b) that part of a shop which is used solely and exclusively for the accommodation of the occupier or any shop assistant in his employment; (*Amended by 47 of 1965, s. 2*)

"assistant" means any person employed for hire or reward in a shop in connexion with the receipt of orders or the serving of customers who are in the shop and for the purpose of

any particular trade-or calling the Permanent Secretary for Labour may declare any person employed for hire or reward in a shop to be a shop assistant for the purposes of this Act;

"week" means the period between midnight on Saturday and midnight on the succeeding Saturday thereof;

"weekday" means any day of the week other than a Sunday.

Conditions of employment and meats

4.-(1) On at least one weekday in each week, all shop assistants in a shop shall not be employed about the business of a shop after one o'clock in the afternoon.

(2) The occupier of a shop shall fix and shall specify in a notice in the prescribed form and size, which shall be prominently displayed in the shop, the day of the week on which his shop assistants are not employed after one o'clock:

Provided that where a shop is exempted from closing under the provisions of subsection (5) of section 8, the occupier of such shop may fix different days for different shop assistants.

(3) Intervals for meals shall be allowed to each shop assistant in accordance with the provisions of the First Schedule.

Hours of employment of shop assistants

5.-(1) An occupier shall not permit a shop assistant to work in a shop:

(a) for more than ten hours in any one day, exclusive of intervals for meals, but so that such ten hours' work together with such intervals for meals shall be completed within eleven hours from the commencement of a day's work of such assistant;

(b) subject to the provisions of subsections (2) and (4), after one o'clock on any weekly half-holiday;

(c) subject to the provisions of subsections (2) and (4), on any Sunday or public holiday:

Provided that where in pursuance of the provisions of subsection (6) of section 10, a shop is permitted to remain open until 9 o'clock in the evening, the hours of work of shop assistants employed therein may be extended so as to permit their employment until such time.

(2) Where a shop is permitted to remain open-

(a) under the provisions of section 8, after one o'clock in the afternoon on any weekly half-holiday; or

(b) under the provisions of section 9, on any Sunday or Public Holiday; or

(c) under the provisions of section 10, after the time fixed for closing by a closing order,

any shop assistant may, subject to the provisions of paragraph (a) of subsection (1), be permitted to work in such shop during the hours that such shop is permitted to remain open.

(3) Notwithstanding the provisions of paragraph (a) of subsection (1), the working hours of any shop assistant may, solely for the purpose of stock-taking or for the moving of stock into, from or within the shop, be extended for not more than eight hours in any one week:

Provided-that such working hours shall not, in any case, be extended for more than sixty hours in any one year.

(4) An occupier, upon giving reasonable notice to the officer in charge of the police station nearest to his shop, of the names of the shop assistants concerned and the dates upon which he intends to extend their working hours, may (on not more than two occasions in any year and solely for the purpose of stocktaking) permit such shop assistants to work on a Saturday afternoon and on the following Sunday. The provisions of this subsection shall not apply to any Saturday and Sunday where the Monday immediately following such Sunday is New Year's Day.

(5) Save as is otherwise provided in this section, or where a shop assistant remains in a shop for a period of not more than thirty minutes after the prescribed closing hour or, after the hours permitted for his employment for the purpose of serving a customer who has entered the shop before the prescribed closing hour, or for the purpose of closing the shop, an occupier shall not permit a shop assistant to remain in his shop for a greater number of hours than those permitted under, or after the closing hour prescribed by this Act.

(6) Any shop assistant found in a shop after the closing hour prescribed by this Act or after the hours permitted for his employment under this Act shall be deemed to be in the employment of such occupier until the contrary is proved by such occupier.

Annual leave of absence

6.-(1) In each year of continuous service from the commencement of this Act under the same employer a shop assistant shall be granted leave of absence in accordance with the provisions of the Employment Regulations or any regulations revoking or in substitution for the same:

Provided that the employer may fix the time of leave for the different shop assistants with reasonable regard to the exigencies of his business.

(2) For the purpose of this section the expression "the same employer" shall include, in the case of the death of an employer, the legal representative, heir or legatee of that employer, or, in the case of insolvency or liquidation of the employer, the receiver or liquidator, or, in the case of the employer becoming of unsound mind, the committee of

such employer, so long as such representative, heir, legatee, receiver, liquidator or committee continues to carry on the business of that shop and to employ that shop assistant therein. (*Amended by 37 of 1966, s. 98*)

Seats for female staff

7. In all rooms of a shop where female shop assistants are employed in the serving of customers, the occupier of the shop shall provide seats behind the counter or in such other position as may be suitable for the purpose; and such seats shall be in the proportion of not less than one seat to every three such female shop assistants employed in such room.

Closing of shops on weekly half-holiday

8.-(1) Every shop shall, save as otherwise provided by this Act, be closed for the serving of customers not later than one o'clock in the afternoon on one weekday in every week.

(2) The local authority may by order fix the day on which a shop is to be closed (in this Act referred to as "the weekly half-holiday") and any such order may either fix the same day for all shops or may fix-

(a) different days for different classes of shops; or

(b) different days for different parts of the area under the control of such local authority:

Provided that no such order shall be made unless the local authority after such inquiry as shall be prescribed is satisfied that the occupiers of a majority of shops as are affected by the order in such area approved the order.

(3) Unless and until such an order is made affecting a shop the weekly half-holiday in respect of the shop shall be such day as the occupier may specify in a notice affixed in the shop, but it shall not be lawful for the occupier of the shop to change the day oftener than once in any period of three months.

(4) Where a shop is closed for a whole day on the occasion of a public holiday, it shall be lawful for the occupier of the shop to keep the shop open for the serving of customers after the hour it is required under this section to be closed on any half- holiday on the day immediately preceding the public holiday.

(5) This section shall not apply to any shop in which the only trade or business carried on is a trade or business of any of the classes specified in the Second Schedule, but the local authority may by order made and revocable in the manner hereinafter provided with respect to closing orders extend the provisions of this section to shops of any class exempted under the Second Schedule if satisfied that the occupiers of a majority of the shops of that class approve the order.

Sunday and public holiday closing

9. All shops shall be closed on Sundays and on public holidays:

Provided that, a local authority may grant such exemption as it may consider appropriate either as to the whole or part of a Sunday or public holiday, as the case may be, or to both, and either generally or in respect of any particular class of shops, trades or businesses. (*Amended by 37 of 1966, s. 98.*)

Closing order

10.-(1) A local authority may make an order (in this Act referred to as "a closing order") fixing the hours on the several days of the week at which either throughout the area of the local authority or in any specified part thereof all shops or shops of any specified class are to be closed for serving customers.

(2) The hour fixed by a closing order shall not be earlier than 4.30 o'clock or later than 6 o'clock in the afternoon, and every closing order shall specify the hour of opening which shall not be earlier than 6 o'clock in the morning.

(3) Until a closing order is made no shop shall be opened earlier than 6 o'clock in the morning and all shops shall be closed not later than 6 o'clock in the afternoon:

Provided that this subsection shall not apply to any shop in which the only trade or business carried on is a trade or business of any of the classes included in the Third Schedule.

(4) A closing order may-

(a) define the shops and trades to which the order applies; and

(b) authorise sales after the closing hour in cases of emergency and in such other circumstances as may be specified or indicated in the order; and

(c) contain any incidental, supplemental or consequential provisions which may appear necessary or proper.

(5) Nothing in a closing order shall apply to any shop in which the only trade or business carried on is a trade or business of any of the classes specified in the Third Schedule.

(6) Notwithstanding the provisions of subsections (2) and (3) or of any closing order, a shop may remain open until 9 o'clock in the evening on Friday of every week, and on the Thursday immediately preceding Good Friday and on the four days, exclusive of Sundays, immediately preceding Christmas Day and New Year's Day. (*Amended by 47 of 1965, s. 3.*)

Procedure for making orders

11.-A local authority shall give notice of the intention to make a closing order and shall specify the terms to be fixed by the order. A period shall be stated during which objections may be made to the proposed order. After considering any objections the local authority may make the order.

Approval of Minister

12.-(1) After any closing order has been made by a local authority it shall be submitted for the approval of the Minister who shall consider any objections to the order and may either disallow the order or confirm the order with or without amendment. Every order so confirmed shall be published in the Gazette.

Revocation or orders

(2) The Minister may, at any time on the application of a local authority, sanction the revocation, alteration or amendment of any closing order made by a local authority.

Special provisions as to trading elsewhere than in shops

13. It shall not be lawful in any locality to which this Act applies to carry on in any place, not being a shop, retail trade or business of any class, at any time when it would be unlawful in that locality to keep a shop open for the purpose of retail trade or business of that class, and, if any person carries on any trade or business in contravention of this section, this Act shall apply as if he were the occupier of a shop and the shop were being kept open in contravention of this Act:

Provided that-

- (a) the prohibition imposed by this section shall as respects any day other than the weekly half-holiday be subject to such exemptions and conditions (if any) as may be contained in any closing order; and
- (b) nothing in this section shall be construed as preventing a barber or hairdresser from attending a customer in the customer's own residence, or the holding of an auction sale of private effects in a private dwelling-house; and
- (c) nothing in this section shall apply to the sale of newspapers; and
- (d) nothing in this section shall apply to any theatre or place of public entertainment.

Provisions as to shops in which more than one business is carried on.

14. Where several trades or businesses are carried on in the same shop and any of those trades or businesses is of such a nature that if it were the only trade or business carried on in the shop a closing order would not apply to the shop or the shop would be exempt from the obligation to be closed for the weekly half-holiday the shop may be kept open after the closing hour for the purposes of those trades or businesses alone; but on such terms

and on such conditions as may be prescribed and the exemption from the obligation to be closed for the weekly half-holiday or under the closing order shall apply to the shop as far as the purposes of those trades or businesses alone are concerned.

Powers of police

15.-(1) Any police officer may enter any shop and demand information to ascertain whether or not the provisions of this Act are being observed.

(2) Any person who refuses to produce any document or give any information lawfully required of him under the provisions of subsection (1), or who produces a document or gives information which he knows to be false, shall be guilty of an offence punishable with a fine not exceeding one hundred dollars.

Offences

16. In the case of any contravention of or failure to comply with the provisions of this Act the occupier of the shop shall be guilty of an offence and liable to a fine not exceeding four hundred dollars or to imprisonment not exceeding six months or to both such fine and imprisonment.

Provisions with respect to offences

17.-(1) Where an offence for which the occupier of a shop is liable under this Act has in fact been committed by some manager, agent, servant, or other person, the manager, agent, servant or other person shall be liable to the like penalty as if he were the occupier.

(2) Where the occupier of a shop is charged with an offence against this Act he shall be entitled upon information duly laid by him to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, he proves to the satisfaction of the court that he has used due diligence to enforce the execution of this Act and the said other person has committed the offence in question without his knowledge, consent or connivance, the said other person shall be convicted of such offence and the occupier shall be acquitted of such offence.

(3) The provisions of section 16 shall be in addition to and not in derogation from any relevant provision of the law of Fiji.

Power to make regulations

18. The Minister may make regulations-

- (a) for prescribing anything which under this Act is to be prescribed;
- (b) as to the mode of ascertaining the opinion of occupiers of shops;

- (c) as to the conduct of local inquiries and matters incidental thereto;
- (d) as to the procedure for obtaining the revocation of a closing order;
- (e) to add any business or trade to Or remove any business or trade from the Second or Third Scheduler;
- (f) for exempting from the provisions of this Act, subject to such conditions as may be prescribed, shops and shop assistants selling goods to travellers and tourists;
- (g) for prescribing the terms and conditions under which trades or businesses exempted from the provisions of a closing order may be carried on;
- (h) generally for carrying into effect the provisions of this Act.

Exemptions

19.-(1) Nothing in this Act-

- (a) shall apply to any bazaar or sale of work for charitable or other purposes from which no private profit is derived, nor to the hawking of newspapers, nor to the business of an undertaker;
- (b) shall apply to the delivery of medicines and medical necessities to hospitals and nursing institutions or in case of sickness to private persons;
- (c) shall apply to any hawker licensed by the proper authority under any Act;
- (d) shall apply to any person, shop, trade or business exempted by the Minister from the operation of this Act for any period specified in such exemption;
- (e) shall prevent any person from being served with victuals, stores or other necessities for a ship on her arrival at or immediately before her departure from a port, at a time when the shop in which they are sold is required to be closed;
- (f) shall be deemed to preclude a shop assistant who is employed in a shop dealing in machinery, motor vehicles, motor cycles, aircraft, spare parts or accessories therefor, from entering such shop on a weekly half-holiday, a Sunday or a public holiday solely for the purpose of supplying to a customer any tools, spares, equipment or accessories required in the case of a bona fide breakdown of machinery, or of a motor vehicle, motor cycle or aircraft.

(2) For the purpose of avoiding doubt, it is hereby declared that the provisions of this Act shall apply to any shop at which Post Office business is carried on in addition to any other business, save and except that on any weekly half-holiday such shop may be open half an hour before the despatch of mail from such shop or half an hour after the receipt of mail at such shop for the purpose of Post Office business only.

Certain provisions not to apply to the trade or business of a motor fuel seller

20. The provisions of sections 8, 9 and 13 shall not apply to the trade or business of a motor fuel seller.

FIRST SCHEDULE

(Section 4 (3))

1. Intervals for meals shall be arranged so as to ensure that no person shall be employed for more than six hours without an interval of at least twenty minutes being allowed during the course thereof.

2. Without prejudice to the foregoing provision where the hours of employment include the hours from 11.30 a.m. to 2.30 p.m., an interval of not less than three-quarters of an hour shall be allowed between those hours for a meal and the interval for a meal shall be increased to one hour in cases where the meal is not taken in the shop, or in a building of which the shop forms part or to which the shop is attached:

Provided that an assistant employed in the sale of refreshments or in the sale by retail of intoxicating liquor need not be allowed the interval for a meal between 11.30 a.m. and 2.30 p.m. if he is allowed the same interval so arranged as either to end not earlier than 11.30 a.m. or to commence not later than 2.30 p.m.

SECOND SCHEDULE

(Section 8 (5))

CLASSES OF TRADES AND BUSINESSES EXEMPTED FROM PROVISIONS AS TO WEEKLY HOLIDAYS

- (i) The business of a barber or hairdresser.
- (ii) The sale of confectionery and sweetmeats (including Indian sweetmeats), bread, fresh milk, cream, eggs, butter, fresh fruit and vegetables. *(Amended by 47 of 1965, s. 4.)*
- (iii) The sale of cooked meals.
- (iv) Selling goods by auction.
- (v) The sale of intoxicating liquor.
- (vi) The sale of newspapers and periodicals.
- (vii) The sale of tobacco, cigarettes, cigarette papers, cigars and matches.
- (viii) The sale of unexposed camera film.
- (ix) The sale of medicines, medical and surgical appliances.
- (x) The sale of petroleum products.
- (xi) The sale of ice. *(Added by 47 of 1965, s. 4.)*

THIRD SCHEDULE

(Section 10)

**CLASSES OF TRADES AND BUSINESSES EXEMPTED FROM THE
PROVISIONS OF CLOSING ORDERS**

- (i) The sale of intoxicating liquor.
- (ii) The sale of refreshments and cooked meals.
- (iii) The sale of newspapers and periodicals.
- (iv) The sale of petroleum products.
- (v) The sale of tobacco, cigarettes, cigarette papers, cigars and matches.
- (vi) The sale of medicines and medical appliances.
- (vii) The sale of fresh milk, cream, eggs, butter and bread.
- (viii) The sale of unexposed camera film.
- (ix) The sale of ice.
- (x) Selling goods by auction. *(Amended by 47 of 1965, s. 5.)*

Controlled by Ministry for Labour, Industrial Relations and Immigration

SUBSIDIARY LEGISLATION

CHAPTER 100

SHOP (REGULATION OF HOURS AND EMPLOYMENT)

SECTION 9.- SHOP (REGULATION OF HOURS AND EMPLOYMENT)

(BA) EXEMPTION ORDER

Orders 10th November, 1964 [in force 1st April, 1965],

18th December, 1965

Made by the Ba Township Board

Short title

1. This Order may be cited as the Shop (Regulation of Hours and Employment) (Ba) Exemption Order.

Application

2. This Order shall apply to every shop within the boundaries of the town of Ba in which-

(a) one or more of the retail trades or businesses specified in either Part of the Schedule is or are carried on otherwise than in conjunction with any trade or business not mentioned in the Schedule; or

(b) the retail trade or business of selling medicines and medical or surgical appliances is carried on under the supervision of a qualified pharmacist, whether such trade or business is carried on alone or in conjunction with a trade or business not specified in the Schedule.

Exemption from Sunday and public holiday closing

3.-(1) Exemption from closing on a Sunday and on a public holiday between the hours of eight o'clock in the morning and midday is hereby granted in respect of all shops carrying on the respective trades and businesses specified in the First Part of the Schedule.
(Amended by Order 18th December, 1965)

(2) Exemption from closing on a Sunday and on a public holiday is hereby granted in respect of all shops carrying on the respective trades and businesses specified in the Second Part of the Schedule.

SCHEDULE

*Amended by Orders 27th April, 1965
and 27th July, 1965*

FIRST PART

1. The sale of meat, fish, fruit, vegetables, flowers and other articles of a perishable nature, fresh milk, cream, butter and bread.
2. Retail sales by auction.
3. The business of a barber or hairdresser.
4. The sale of newspapers and periodicals.

SECOND PART

1. The sale of refreshments.
 2. The sale of medicines and medical and surgical appliances.
 3. The sale of tobacco, cigarettes, cigarette papers, cigars and matches.
 4. The sale of petroleum products.
 5. The sale of unexposed camera film.
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SECTION 9.- SHOP (REGULATION OF HOURS AND EMPLOYMENT)

(LABASA) EXEMPTION ORDER

Order 18th November, 1964

[in force 1st April, 1965]

Made by the Labasa Township Board

Short title

1. This Order may be cited as the Shop (Regulation of Hours and Employment) (Labasa) Exemption Order.

Application

2. This Order shall apply to every shop within the boundaries of the town of Labasa in which-

(a) one or more of the retail trades or businesses specified in either Part of the Schedule is or are carried on otherwise than in conjunction with any trade or business not mentioned in the Schedule; or

(b) the retail trade or business of selling medicines and medical or surgical appliances is carried on under the supervision of a qualified pharmacist, whether such trade or business is carried on alone or in conjunction with a trade or business not specified in the Schedule.

Exemption from Sunday and public holiday closing

3.-(1) Exemption from closing on a Sunday and on a public holiday between the hours of nine o'clock in the morning and one o'clock in the afternoon is hereby granted in respect of all shops carrying on the respective trades and businesses specified in the First Part of the Schedule.

(2) Exemption from closing on a Sunday and on a public holiday is hereby granted in respect of all shops carrying on the respective trades and businesses specified in the Second Part of the Schedule.

SCHEDULE

FIRST PART

1. The sale of meat, fish, fruit, vegetables, flowers and other articles of a perishable nature, fresh milk, cream, butter and bread.
2. Retail sales by auction.
3. The business of a barber or hairdresser.
4. The sale of newspapers and periodicals.

SECOND PART

1. The sale of refreshments.
 2. The sale of medicines and medical or surgical appliances.
 3. The sale of tobacco, cigarettes, cigarette papers, cigars and matches.
 4. The sale of petroleum products.
 5. The sale of unexposed camera film.
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**SECTION 9.- SHOP (REGULATION OF HOURS AND EMPLOYMENT)
(LAUTOKA) EXEMPTION ORDER**

*Order 22nd December, 1964
[in force 1st April, 1964]*

Made by the Lautoka Town Council

Short title

1. This Order may be cited as the Shop (Regulation of Hours and Employment) (Lautoka) Exemption Order.

Application

2. This order shall apply to every shop within the boundaries of the City of Lautoka in which-

(a) one or more of the retail trades or businesses specified in either Part of the Schedule is or are carried on otherwise than in conjunction with any trade or business not mentioned in the Schedule; or

(b) the retail trade or business of selling medicines and medical or surgical appliances is carried on under the supervision of a qualified pharmacist, whether such trade or business is carried on alone or in conjunction with a trade or business not specified in the Schedule.

Exemption from Sunday and public holiday closing

3.-(1) Exemption from closing on a Sunday and on a public holiday between the hours of nine o'clock in the morning and one o'clock in the afternoon is hereby granted in respect of all shops carrying on the respective trades and businesses specified in the First Part of the Schedule.

(2) Exemption from closing on a Sunday and on a public holiday is hereby granted in respect of all shops carrying on the respective trades and businesses specified in the Second Part of the Schedule.

SCHEDULE

FIRST PART

1. The sale of meat, fish, fruit, vegetables, flowers and other articles of a perishable nature, fresh milk, cream, butter and bread.
2. Retail sales by auction.
3. The business of a barber or hairdresser.
4. The sale of newspapers and periodicals.

SECOND PART

1. The sale of refreshments.
 2. The sale of medicines and medical or surgical appliances.
 3. The sale of tobacco, cigarettes, cigarette papers, cigars and matches.
 4. The sale of petroleum products.
 5. The sale of unexposed camera film.
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SECTION 9.- SHOP (REGULATION OF HOURS AND EMPLOYMENT)

(LEVUKA) EXEMPTION ORDER

Orders 24th March, 1965 [*in force 2nd April, 1965*],

20th May, 1966

Made by the Levuka Township Board

Short title

1. This Order may be cited as the Shop (Regulation of Hours and Employment) (Levuka) Exemption Order.

Application

2. This order shall apply to every shop within the boundaries of the town of Levuka in which-

(a) one or more of the retail trades or businesses specified in either Part of the Schedule is or are carried on otherwise than in conjunction with any trade or business not mentioned in the Schedule; or

(b) the retail trade or business of selling medicines and medical or surgical appliances is carried on under the supervision of a qualified pharmacist, whether such trade or business is carried on alone or in conjunction with a trade or business not specified in the Schedule.

Exemptions from Sunday and public holiday closing

3.-(1) Exemption from closing on a Sunday and on a public holiday between the hours of seven o'clock in the morning and twelve noon is hereby granted in respect of all shops carrying on the respective trades and businesses specified in the first Part of the Schedule. (*Amended by Order 20th May, 1966.*)

(2) Exemption from closing on a Sunday and on a public holiday is hereby granted in respect of all shops carrying on the respective trades and businesses specified in the Second Part of the Schedule.

SCHEDULE

FIRST PART

1. The sale of meat, fish, fruit, vegetables, flowers and other articles of a perishable nature, fresh milk, cream, butter and bread.
2. Retail sales by auction.
3. The business of a barber or hairdresser.
4. The sale of newspapers and periodicals.

SECOND PART

1. The sale of refreshments.
 2. The sale of medicines and medical or surgical appliances.
 3. The sale of tobacco, cigarettes, cigarette papers, cigars and matches.
 4. The sale of petroleum products.
 5. The sale of unexposed camera film.
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**SECTION 9.- SHOP (REGULATION OF HOURS AND EMPLOYMENT)
(NADI) EXEMPTION ORDER**

*Order 18th Nov., 1964
[in force 1st April, 1965]*

Made by the Nadi Township Board

Short title

1. This Order may be cited as the Shop (Regulation of Hours and Employment) (Nadi)-Exemption Order.

Application

2. This Order shall apply to every shop within the boundaries of the town of Nadi in which-

(a) one or more of the retail trades of businesses specified in either Part of the Schedule is or are carried on otherwise than in conjunction with any trade or business not mentioned in the Schedule; or

(b) the retail trade or business of selling medicines and medical or surgical appliances is carried on under the supervision of a qualified pharmacist, whether such trade or business is carried on alone or in conjunction with a trade or business not specified in the Schedule.

Exemptions from Sunday and public holiday closing

3.-(1) Exemption from closing on a Sunday and on a public holiday between the hours of nine o'clock in the morning and one o'clock in the afternoon is hereby granted in respect of all shops carrying on the respective trades and businesses specified in the First Part of the Schedule.

(2) Exemption from closing on a Sunday and on a public holiday is hereby granted in respect of all shops carrying on the respective trades and businesses specified in the Second Part of the Schedule.

SCHEDULE

FIRST PART

1. The sale of meat, fish, fruit, vegetables, flowers and other articles of a perishable nature, fresh milk, cream, butter and bread.
2. Retail sales by auction.
3. The business of a barber or hairdresser.
4. The sale of newspapers and periodicals.

SECOND PART

1. The sale of refreshments.
 2. The sale of medicines and medical or surgical appliances.
 3. The sale of tobacco, cigarettes, cigarette papers, cigars and matches.
 4. The sale of petroleum products.
 5. The sale of unexposed camera film.
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**SECTION 9.- SHOP (REGULATION OF HOURS AND EMPLOYMENT)
(NAUSORI) EXEMPTION ORDER**

Order 11th Jan. 1965 [in force 1st April, 1965],

27th Jan. 1971.

Made by the Nausori Township Board

Short title

1.-This Order may be cited as the Shop (Regulation of Hours and Employment) (Nausori) Exemption Order.

Application

2.-This Order shall apply to every shop within the boundaries of the town Nausori in which-

(a) one or more of the retail trades or businesses specified in either Part of the Schedule is or are carried on otherwise than in conjunction any trade or business not mentioned in the Schedule; or

(b) the retail trade or business of selling medicines and medical or surgical appliances is carried on under the supervision of a qualified pharmacist, whether such trade or business is carried on alone or in conjunction with a trade or business not specified in the Schedule.

Exemptions from Sunday and public holiday closing

3.-(1) Exemption from closing on a Sunday and on a public holiday between the hours of nine o'clock in the morning and one o'clock in the afternoon is hereby granted in respect of all shops carrying on the respective trades and businesses specified in the First Part of the Schedule.

(2) Exemption from closing on a Sunday and on a public holiday is hereby granted in respect of all shops carrying on the respective trades and businesses specified in the Second Part of the Schedule.

(3) Exemption from closing on a Sunday and on a public holiday between the hours of seven o'clock in the morning and eleven o'clock in the morning is hereby granted in respect of all shops carrying on the respective trades and businesses specified in the Third Part of the Schedule. *[Inserted by Order 27th January 1971.]*

SCHEDULE

FIRST PART

1. The sale of meat, fish, fruit, vegetables, flowers and other articles of a perishable nature, fresh milk, cream, butter and bread.
2. Retail sales by auction.
3. The sale of newspapers and periodicals.

SECOND PART

1. The sale of refreshments.
2. The sale of medicines and medical and surgical appliances.
3. The sale of tobacco, cigarettes, cigarette papers, cigars and matches
4. The sale of petroleum products.
5. The sale of unexposed camera film.

THIRD PART

(Inserted by Order 27th January 1971)

1. The business of a barber or hairdresser.
-

**SECTION 9.- SHOP (REGULATION OF HOURS AND EMPLOYMENT)
(SIGATOKA) EXEMPTION ORDER**

Order 24th Nov., 1964

[in force 1st April, 1965].

Made by the Sigatoka Township Board

Short title

1.-This Order may be cited as the Shop (Regulation of Hours and Employment (Sigatoka) Exemption Order.

Application

2.-This Order shall apply to every shop within the boundaries of the town of Sigatoka in which-

(a) one or more of the retail trades or businesses specified in either Part of the Schedule is or are carried on otherwise than in conjunction with any trade or business not mentioned in the Schedule; or

(b) the retail trade or business of selling medicine and medical or surgical appliances is carried on under the supervision of a qualified pharmacist, whether such trade or business is carried on alone or in conjunction with a trade or business not specified in the Schedule.

Exemptions from Sunday and public holiday closing

3.-(1) Exemption from closing on a Sunday and on a public holiday between the hours of nine o'clock in the morning and one o'clock in the afternoon is hereby granted in respect of all shops carrying on the respective trades and businesses specified in the First Part of the Schedule.

(2) Exemption from closing on a Sunday and on a public holiday is hereby granted in respect of all shops carrying on the respective trades and businesses specified in the Second Part of the Schedule.

SCHEDULE

FIRST PART

1. The sale of meat, fish, fruit, vegetables, flowers and other articles of a perishable nature, fresh milk, cream, butter and bread.
2. Retail sales by auction.
3. The business of a barber or hairdresser.
4. The sale of newspapers and periodicals.

SECOND PART

1. The sale of refreshments.
 2. The sale of medicines and medical or surgical appliances.
 3. The sale of tobacco, cigarettes, cigarette papers, cigars and matches.
 4. The sale of petroleum products.
 5. The sale of unexposed camera film.
-

**SECTION 9.- SHOP (REGULATION OF HOURS AND EMPLOYMENT)
(SUVA) EXEMPTION ORDER**

Orders 26th Jan., 1965 [in force 1st April, 1965],

27th April, 1965, 27th July, 1965

Made by the Suva City Council

Short title

1. This Order may be cited as the Shop (Regulation of Hours and Employment) (Suva) Exemption Order.

Application

2. This Order shall apply to every shop within the boundaries of the city of Suva in which-

(a) one or more of the retail trades or business specified in either Part of the Schedule is or are carried on otherwise than in conjunction with any trade or business not mentioned in the Schedule; or

(b) the retail trade or business of selling medicines and medical or surgical appliances is carried on under the supervision of a qualified pharmacist, whether such trade or business is carried on alone or in conjunction with a trade or business not specified in the Schedule.

Exemption from Sunday and public holiday closing

3.-(1) Exemption from closing on a Sunday and on a public holiday between the hours of six o'clock in the morning and eleven o'clock in the morning is hereby granted in respect of all shops carrying on the respective trades and businesses specified in the First Part of the Schedule. (*Amended by Order 27th April, 1965.*)

(2) Exemption from closing on a Sunday and on a public holiday is hereby granted in respect of all shops carrying on the respective trades and businesses specified in the Second Part of the Schedule.

SCHEDULE

(Amended by Orders 27th April, 1965 and 27th July, 1965.)

FIRST PART

1. The sale of meat, fish, fruit, vegetables, flowers and other articles of a perishable nature, fresh milk, cream, butter and bread.
2. The business of a barber or hairdresser.
3. The sale of newspapers and periodicals.

SECOND PART

1. The sale of refreshments.
 2. The sale of medicines and medical or surgical appliances.
 3. The sale of tobacco, cigarettes, cigarette papers, cigars and matches.
 4. The sale of petroleum products.
 5. The sale of unexposed camera film.
 6. The sale of fresh milk, cream, butter, bread, eggs and ice.
 7. Retail sales by auction.
-

SECTION 10.-SUVA SHOPS CLOSING ORDER

Order 29th March, 1966

[in force 8th July, 1966]

Made by the Suva City Council and approved by the Governor in Council

Short title

1. This Order may be cited as the Suva Shops Closing Order.

Hours during which shops to be closed

2. All classes of shops within the city of Suva shall not open-

- (a) before the hour of 6 o'clock in the morning on Mondays to Saturdays inclusive;
- (b) after the hour of 1 o'clock in the afternoon on the day fixed for the weekly half-holiday;
- (c) after the hour of 9 o'clock in the evening on-
 - (i) Fridays;
 - (ii) the Thursday immediately preceding Good Friday;
 - (iii) the four days exclusive of Sundays immediately preceding Christmas Day and New Year's Day;
- (d) after the hour of 6 o'clock in the evening on any day other than Sundays and the days referred to in paragraphs (b) and (c).

Exemptions in case of emergency

3. The Town Clerk may in cases of emergency grant exemptions from the provisions of this Order as he thinks fit.

List of exempted items to be displayed

4. Any shop carrying on several trades and businesses involving the sale of items both exempted and not exempted under the provisions of the Third Schedule to the Act shall display a list of such exempted items permitted to be sold in that particular class of shop after the closing hour fixed by this Closing Order.

Acts to apply to certain trades

5. This Closing Order shall not apply to the following trades and businesses specified in the Third Schedule to the Act-

- (i) The sale of intoxicating liquor.
- (ii) The sale of refreshments and cooked meals.

- (iii) The sale of newspapers and periodicals.
- (iv) The sale of petroleum products.
- (v) The sale of tobacco, cigarettes, cigarette papers, cigars and matches.
- (vi) The sale of medicines and medical appliances.
- (vii) The sale of fresh milk, cream, eggs, bread and butter.
- (viii) The sale of unexposed camera film.
- (ix) The sale of ice.
- (x) The sale of goods by auction.

Exempted trades and businesses

6. The following trades and businesses are exempted from the provisions of sub-paragraph (b) of paragraph 2:-

- (i) The business of a barber or hairdresser.
 - (ii) The sale of confectionery and sweetmeats (including Indian sweetmeats), bread, fresh milk, cream and butter, fresh fruit and vegetables.
 - (iii) The sale of cooked meals.
 - (iv) The sale of goods by auction.
 - (v) The sale of intoxicating liquor.
 - (vi) The sale of newspapers and periodicals.
 - (vii) The sale of tobacco, cigarettes, cigarette papers, cigars and matches.
 - (viii) The sale of unexposed camera film.
 - (ix) The sale of medicines, medical and surgical appliances.
 - (x) The sale of petroleum products.
 - (xi) The sale of ice.
-

**SECTION 18-SHOP (REGULATION OF HOURS AND EMPLOYMENT)
REGULATIONS**

Regulations 12th March, 1965 [in force 1st April, 1965],

23rd February, 1977

Made by the Governor in Council

Short title

1. These Regulations may be cited as the Shop (Regulation of Hours and Employment) Regulations.

Notice as to weekly half-holiday

2. The notice referred to in subsection (2) of section 4 and subsection (3) of section 8 of the Act which is required to be affixed in a shop by the occupier of such shop shall be in the form set out in the First Schedule.

Commissioner to hold inquiry into proposal for weekly half-holiday

3. In every case in which an inquiry is required to be held under the provisions of subsection (2) of section 8 of the Act the person to hold the inquiry (hereinafter referred to as the Commissioner) shall be-

(a) in the case of any city or town, the Town Clerk;

(b) in any other area, such person as may be appointed by the Minister, for the purpose.

(Amended by Regulations 23rd February, 1977.)

Commissioner to issue notice of inquiry

4. As soon as possible after the local authority has resolved to fix a day for the weekly half-holiday under, the provisions of subsection (2) of section 8 of the Act, the Commissioner shall cause a notice to be published in the Gazette and in three successive issues of a newspaper published and circulating in Fiji specifying-

(a) the day proposed by the local authority for the weekly half-holiday;

(b) whether the said weekly half-holiday is proposed to be for the whole of the area under the control of the local authority or for different classes of shops or for different parts of such area; and

(c) the date (not being less than 28 days after the date of first publication of the notice), time and place at which the inquiry will be held to which each occupier of every shop affected is invited to attend to give his opinion.

Presumption of approval

5. The Commissioner shall attend at the time and place notified in accordance with the provisions of regulation 4 and any occupier of a shop who does not appear or give his opinion in writing shall be deemed to approve of the proposal of the local authority.

Opinion may be given in writing

6. Any occupier of a shop in the area affected by the weekly half-holiday proposal shall be allowed to record his approval or otherwise of such proposal, in writing, by addressing a registered letter to the Commissioner to reach him before the date fixed for the inquiry and, if the Commissioner is satisfied that such letter has been signed by such occupier of a shop, he shall record any opinion given therein as if the occupier had been personally present at the inquiry.

Commissioner to report on views of occupiers of shops

7. When the Commissioner has recorded the opinions of the occupiers of shops given personally at the inquiry or by post in accordance with the provisions of regulation 6, he shall decide, on such opinions or the presumed opinions of those occupiers of shops who have neither attended the inquiry nor sent their written opinion, whether or not the occupiers of shops in the area affected by the proposal are in favour thereof and shall report in writing to the local authority accordingly.

Local authority may make order

8. If the report of the Commissioner reveals that the occupiers of a majority of shops affected by the weekly half-holiday proposal approve such proposal, the local authority may then make an order in accordance with the provisions of subsection (2) of section 8 of the Act.

Exemption of shops selling goods to tourists

9. Where, by reason of the expected arrival of tourists or travellers, a local authority is of the opinion that it is expedient for shops in the area under its control to be exempted from the provisions of the Act relating to the hours during which such shops are to be closed, such local authority or any person authorized in writing by such local authority in that behalf may, by order in writing, exempt any shop or shops in the area under its control or any class or classes of such shops from the said provisions and specify the hours during which such shops may open or remain open in addition to the hours permitted under the provisions of the Act for the purpose of selling goods to tourists or travellers.

Notice of intention to make closing order

10. The notice required to be given by a local authority before making a closing order under the provisions of section 10 of the Act shall be in the form set out in the Second

Schedule. Such notice shall be published in the Gazette and in three successive issues of a newspaper published and circulating in Fiji.

FIRST SCHEDULE

1..... , the occupier of the shop known as..... wherein the trade or business ofis carried on, do hereby specify..... day as the day of the week on which my shop assistants are not employed after one o'clock in the afternoon.

.....

SECOND SCHEDULE

In accordance with the provisions of section 11 of the Shop (Regulation of Hours and Employment) Act, the City/Town Council hereby gives notice that it is proposed to make an order in the following terms:-

(Set out details of proposed order giving particulars of areas and classes of shops to be affected and the hours during which shops are to be allowed to remain open.)

2. Any person wishing to make representations against the proposed order may make such representations to the Town Clerk on or before the day of19....

SECTION 10. – SIGATOKA SHOPS CLOSING ORDER

Order 5th Aug., 1970

Made by the Sigatoka Township Board

1. This Order may be cited as the Sigatoka Shops Closing Order.
2. All classes of shops within the town of Sigatoka shall not open-
 - (a) before the hour of 6 o'clock in the morning on Mondays to Saturdays inclusive;
 - (b) after the hour of 1 o'clock in the afternoon on the day fixed for the weekly half-holiday;
 - (c) after the hour of 9 o'clock in the evening on-
 - (i) Fridays;
 - (ii) the Thursday immediately preceding Good Friday;

(iii) the four days exclusive of Sundays immediately preceding Christmas Day and New Year's Day;

(d) after the hour of 6 o'clock in the evening on any day other than Sundays and the days referred to in paragraphs (b) and (c).

3. The Mayor of Sigatoka may in cases of emergency grant exemptions from the provisions of this Order as he thinks fit.

4. Any shop carrying on several trades and businesses involving the sale of items both exempted and not exempted under the provisions of the Third Schedule to the Act shall display a list of such exempted items permitted to be sold in that particular class of shop after the closing hour fixed by this Closing Order.

5. This Closing Order shall not apply to the following trades and businesses specified in the Third Schedule to the Act-

- (i) The sale of intoxicating liquor.
- (ii) The sale of refreshments and cooked meals.
- (iii) The sale of newspapers and periodicals.
- (iv) The sale of petroleum products.
- (v) The sale of tobacco, cigarettes, cigarette papers, cigars and matches.
- (vi) The sale of medicines and medical appliances.
- (vii) The sale of fresh milk, cream, eggs, bread and butter.
- (viii) The sale of unexposed camera film.
- (ix) The sale of ice.
- (x) The sale of goods by auction.

6. The following trades and businesses are exempted from the provisions of subparagraph (b) of paragraph 2:-

- (i) The business of a barber or hairdresser.
- (ii) The sale of confectionery and sweetmeats (including Indian sweetmeats), bread, fresh milk, cream and butter, fresh fruit and vegetables.
- (iii) The sale of cooked meals.
- (iv) The sale of goods by auction.
- (v) The sale of intoxicating liquor.
- (vi) The sale of newspapers and periodicals.
- (vii) The sale of tobacco, cigarettes, cigarette papers, cigars and matches.
- (viii) The sale of unexposed camera film.
- (ix) The sale of medicines, medical and surgical appliances.
- (x) The sale of petroleum products.
- (xi) The sale of ice.

Controlled by Ministry for Labour, Industrial Relations and Immigration