

CHAPTER 43:04
SHOP AND RESTAURANT HOURS
ARRANGEMENT OF SECTIONS

SECTION

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Proc. 72, 1941,
Cap. 132, 1948,
Cap. 158, 1959,
HMC Order 1, 1963,
L.N. 84, 1966,
Act 40, 1970,
Act 30, 1973,
Act 29, 1982,
S.I. 67, 1991.

An Act to prescribe the hours and the conditions of employment in shops and restaurants.

[Date of Commencement: 2nd January, 1942]

1. Short title

This Act may be cited as the Shop and Restaurants Hours Act.

2. Interpretation

In this Act, unless the context otherwise requires-

"assistant" means any person employed in or about a shop or restaurant but does not include any person solely employed as a caretaker, cleaner, domestic servant or for the purposes of delivery to customers of goods and merchandise purchased in such shop or restaurant;

"employer" means any person carrying on business in a shop or restaurant or conducting an office, who employs or provides work for any person in or in connection with such shop, restaurant or in such office and remunerates or expressly or tacitly undertakes to remunerate him, or who permits any person to assist him in any manner in the carrying on of his business in such shop, restaurant or the doing of the work performed in such office; and "employ" and "employment" have corresponding meanings;

"open", in relation to a shop, means open for the admission of a person for the purpose of selling or supplying to him in such shop any goods or merchandise, for the purpose of taking an order or for the admission of a person for the purpose of hairdressing, shaving or other similar purpose or for the display of samples to a person, but does not apply to commercial travellers and their samples;

"restaurant" means a restaurant licensed under the Trade Act;

"shop" means any building or portion thereof, structure, room, market stall, tent, booth, vehicle or any place which is used for the sale therein, thereon or therefrom of goods or merchandise, or for the display of samples, and includes a hairdresser's or barber's saloon, but

does not include railway refreshment rooms, passenger trains, railway bookstalls, commercial travellers' sample rooms, or places licensed to sell intoxicating liquors for consumption on the premises or restaurants.

3. Shop hours (1) Subject to sections 5 and 6 of this Act, the Minister may, by regulation, prescribe the hours during which any shop or business may be kept open, or during which any person may sell or supply goods or merchandise, or take any order for such sale or supply in or from any shop or business.

(2) The Minister may prescribe different hours for different types of shops or businesses.

4. Exemptions

(1) The Minister may, by statutory instrument, make an order to allow certain types of shops or shops in respect of which particular types of licences have been issued under the Trade Act, to open for the sale of such goods on such days, including Sundays and public holidays, and during such hours outside normal hours in such areas as may be specified in the order.

(2) Nothing in this Act shall-

- (a) apply to any bazaar or sale of work for charitable purposes from which no private profit is derived, nor to the hawking or peddling of newspapers, nor to coffee stalls, nor to the business of undertaker, nor to the sale by a *bona fide* farmer or market-gardener on any land occupied by him for farming purposes of any produce raised by him on that land, nor to the hawking or peddling of such produce by such persons, nor to those holding hawkers' licences for the purpose of buying or trading farm produce;
- (b) be deemed to prohibit the manufacture of bread or breadstuffs, the reception, storage and treatment of milk and milk products, the reception for storage of fish, meat, poultry and game, or the printing of newspapers, or the employment of persons for such purposes at any time during the day or night;
- (c) apply to the delivery of ice to hospitals and nursing institutions, or in case of sickness, to private persons;
- (d) apply to the sale before midnight of programmes, catalogues or refreshments at any theatre, concert hall or other place of amusement during any performance.

5. Special provisions regarding public holidays

Notwithstanding anything contained in section 3 of this Act, if a Sunday immediately precedes or follows a public holiday or if one public holiday immediately succeeds another public holiday, shops which sell food for human consumption and newspapers may be open between the hours of 7 a.m. and 11 a.m. on the second and any immediately succeeding holiday.

6. Exceptions for stocktaking

For the purposes of stocktaking or emergency work which cannot be done during the usual hours, employees may be employed beyond the hours specified in the Employment Act:

Provided that the number of hours for which they are so employed shall not exceed 50 *per annum*.

7. Inspection

(1) Any administrative officer, police officer, or any other person appointed by the Minister may, for the purpose of ascertaining whether the provisions of this Act are being complied with, without previous notice, at any time enter any premises, and may, while he is upon or in the premises or at any other time, question any person who is or has been upon or in the premises, in the presence of or apart from others.

(2) Any person who in any way obstructs or hinders any officer or person or person referred to in subsection (1) in the exercise of his powers under this section or who fails or refuses to answer to the best of his knowledge any question put to him or who knowingly gives a false answer to any such question shall be guilty of an offence and shall be liable to a fine not exceeding P20 or, in default of payment, to imprisonment for a term not exceeding one month.

8. Penalties

Any person who contravenes any of the provisions of this Act in respect of which no penalty is otherwise provided shall be guilty of an offence, and shall be liable to a fine not exceeding P100 or to imprisonment for a term not exceeding two months, or to both.

9. Penalties in the case of companies, etc.

Where any offence against or contravention of the provisions of this Act is alleged to have been committed in respect of any shop owned by any individual or by any company, firm, syndicate or partnership, then in the case of an individual that individual, and in the case of a company the managing director or any director thereof, and in the case of any firm, syndicate or partnership any member thereof, shall be liable to the penalties provided in this Act.