

DOMINICA
SHOP HOURS ACT

Arrangement of sections

1. Short title.
2. Interpretation.
3. Shop Hours Order.
4. Contents of Shop Hours Order.
- 4A. Shop carrying on more trades than one.
5. Opening outside prescribed hours.
6. Work outside opening hours.
7. Offence.
8. Penalty.
9. Liability of occupiers.
10. Liability of servants, agents and others.
11. Power of occupier to exempt himself on conviction of actual offender.

AN ACT to regulate the opening hours of shops.

Commencement: 8th November 1937

Short title.

1. This Act may be cited as the Shop Hours Act.

Interpretation.

2. In this Act-

“closing hours” means the time during which a shop may not be kept open under a Shop Hours Order;

“occupier” includes any person owning, managing, or occupying any shop for the purpose of carrying on any trade within the State;

“shop” includes any building, residential house, room, shed, stall, yard or other premises (other than premises licensed for sale of intoxicating liquor only), where any wholesale or retail trade or business of any sort is carried on or transacted;

“trade” includes any trade or business specified by a Shop Hours Order, or other wholesale or retail trade.

Shop Hours Order.

3. (1) The Minister may, by Order (herein called a “Shop Hours Order”) fix the hours on the several days of the week, including Sundays, during which, either throughout the State or in any part thereof, all shops of any specified class may be open for serving customers.

3. (2) Every Order made under this Act shall be laid before the House of Assembly as soon as practicable, and if the House of Assembly resolves that the Order be annulled or amended, it shall after the date of the resolution be of no effect, but without prejudice to the validity of anything previously done thereunder or to the making of any new Order.

Contents of Shop Hours Order.

4. (1) A Shop Hours Order may –

- (a) prohibit, either absolutely or subject to such exemptions as may be contained in the Order, the carrying on of any trade during closing hours, in any place, not being a shop within the area to which the Order applies for the carrying on of which it would be unlawful to keep a shop open after that hour;
- (b) define the shops or trades to which the Order applies;
- (c) authorise sales during closing hours, in cases of emergency and in such other circumstances as may be specified or indicated in the Order; and
- (d) contain any incidental, supplemental or consequential provisions, which may appear necessary or proper.

4. (2) Nothing in a Shop Hours Order shall apply to any bazaar or other entertainment or performance lawfully held for charitable, religious or public purposes, or such other purpose as the Minister may approve, nor to any shop where the only trade carried on is that of one or more of the following:

- (a) post office business;
- (b) sale of medicines, medical and surgical appliances;
- (c) the sale by retail of intoxicating liquors for consumption on or off the premises;
- (d) the sale of refreshment for consumption on the premises;

(e) the sale of bread, fresh meat, fresh fish, fresh fruit, or fresh vegetables;

(f) the sale of fresh milk or ice.

Shop carrying on more trades than one.

4. (3) Where several trades are carried on in the same shop, and any of these trades are of such a nature that if they were the only trades carried on in the shop the Shop Hours Order would not apply to the shop, a part of the shop may be kept open during closing hours for the purpose of those trades alone provided the shop is divided or partitioned off into separate places of business during closing hours and arrangements made that only those trades to which the Shop Hours Order does not apply is carried on either by wholesale or retail, in that part of the said shop which it is proposed to keep open during that time.

Opening outside prescribed hours.

5. Notwithstanding anything to the contrary contained in this Act, the Minister may in his discretion, when he is satisfied that the same will be for the general public convenience and will not injuriously affect public order, authorise the opening of any class of shop outside the hours prescribed by any Shop Hours Order, on such day and for such period and in such district or districts as may be specified in a notice to that effect which shall be published in the Gazette.

Work outside opening hours.

6. No shop assistant or employee shall be kept at work in or about any shop during closing hours, except under such conditions as may be prescribed by a Shop Hours Order made under this Act.

Offence.

7. The occupier of any shop contravening the provisions of this Act or any Order made thereunder is guilty of an offence; but nothing in this Act, or in any Order made thereunder, shall render a person liable to any penalty for -

(a) selling any article to any person for use on or in or about or with respect to any ship, or for use by or with respect to any person employed or engaged on or being a passenger on or by any such ship so long as no shop assistant or employee is employed in or about any shop during closing hours for the purpose of any such sale; or

(b) selling any article required for immediate use by reason of any emergency arising from the sickness, ailment or death of any person or animal; or

(c) serving any customer who was in a shop before the hour at which the shop should be closed and who does not remain therein longer than is necessary for the purpose of being so served.

Penalty.

8. Any person guilty of an offence against this Act or any Order made hereunder is liable on summary conviction, to a fine of one thousand five hundred dollars and to imprisonment for six months.

Liability of occupiers.

9. The occupier of a shop shall be held liable for the breach of any of the provisions of this Act or any Order made hereunder, by any member of his family, or by any person employed by him or over whom he has control, or for whom he is responsible, or who acts for him or on his behalf.

Liability of servants, agents and others.

10. Where an offence for which the occupier of a shop is liable under this Act, or any Order made hereunder, to any fine, penalty or punishment has in fact been committed by some agent or servant of, or by any employee or other person acting for, such occupier, the agent or servant, or the employee or other person is liable to the same fine, penalty or punishment as if he were the occupier.

Power of occupier to exempt himself on conviction of actual offender.

11. Where the occupier of a shop is charged with an offence against this Act or any Order made hereunder, he is 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, the occupier proves to the satisfaction of the Court that he has used due diligence to enforce the execution of the provisions of the law, and that the other person committed the offence in question without his knowledge, consent or connivance, or wilful neglect or default, the occupier shall be exempt from any fine, penalty or punishment; but the other person may thereupon be summarily convicted of the offence, and shall be liable to the same fine, penalty or punishment therefor as if he were occupier.

SUBSIDIARY LEGISLATION

SHOP HOURS ORDER

Commencement: 7th December 1937

Short title.

1. This Order may be cited as the - Shop Hours Order.

Shop Hours.

2. (1) Subject as hereinafter provided, all shops situated within the boundaries of the City of Roseau and one mile beyond and within the boundaries of the town of Portsmouth and one mile beyond shall only be kept open for serving customers between the undermentioned hours-

(a) for the sale of dry goods, hardware, groceries, haberdashery, medicines and drugs -

- (i) from 8.00 a.m. to 5.00 p.m. from Mondays to Thursdays;
- (ii) from 8.00 a.m. to 6.00 p.m. on Fridays;
- (iii) from 8.00 a.m. to 1.00 p.m. on Saturdays;

but a drug store or shop shall in cases of emergency be at liberty to sell medicines and drugs at any time;

(b) parlours, which means small shops carrying a stock not exceeding one hundred and forty-four dollars in value and in which only a trade in groceries and haberdashery (including cigarettes and matches), edibles or nonalcoholic beverages is carried on –

- (i) from 6.00 a.m. to 9.00 p.m. on all days other than Sundays;
- (ii) from 7.00 a.m. to 9.00 a.m. and from 6.00 p.m. to 8.00 p.m. on Sundays;

(c) premises licensed to sell liquor in which a trade in which a trade in groceries and haberdashery (including cigarettes and matches), edibles or non-alcoholic beverages is also carried on and wherein the stock, excluding liquor, does not exceed one hundred and forty- four dollars in value shall be

subject to the closing hours prescribed by the Liquor Licences Laws in force in the State.

2. (2) No parlour shall be carried on in the same premises as, or in any premises having internal communication with, any other shop.

2.(3) Overtime rates of time and one half shall be paid to all shop assistants or employees required to work beyond seven hours a day or forty hours a week.

2.(4) In this clause "dry goods" includes textiles, clothing, millinery, hosiery, furniture and furnishings

Meal hours of employees.

3. There shall be allowed as meal times to every person employed in any shop not less than one hour for the noon-day meal on each day and, to every person so employed on any day to any hour later than six o' clock in the evening, not less than thirty minutes for another evening meal.

When employees of shop assistant or employee during closing hours permitted.

4. No shop assistant or employee shall be employed in any shop during closing hours, except for receiving (but not for opening) imported goods or delivering goods for export, or for any mere writing, or other work indispensably necessary owing to the arrival or departure of any ship during closing hours, or for annual stock-taking, which must not, however, be for any period longer than is absolutely necessary for the purpose in each case; but nothing in this section shall authorise any person to keep open any shop during closing hours.
