



MONTSERRAT

## CHAPTER 15.08

# SHOPS REGULATION ACT

### Revised Edition

showing the law as at 1 January 2013

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

### SHOPS REGULATION ACT

Act 12 of 1941 .. in force 29 December 1941

Amended by Acts: 5 of 1989 .. in force 10 July 1989

9 of 2011 .. in force 27 September 2011 (S.R.O. 40/2011)

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**CHAPTER 15.08**

**SHOPS REGULATION ACT**

**ARRANGEMENT OF SECTIONS**

SECTION

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5. Hours of employment
6. Exemption of members of family of owner or occupier
7. Seats to be provided for female shop assistants
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9. Offence
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11. Suspension of operation of shop hours order and section 5

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**CHAPTER 15.08**

**SHOPS REGULATION ACT**

*(Acts 12 of 1941, 5 of 1989 and 9 of 2011)*

**Commencement**

*[29 December 1941]*

**Short title**

1. This Act may be cited as the Shops Regulation Act.

**Interpretation**

2. In this Act—

“**Labour Commissioner**” means the Labour Commissioner appointed under section 6 of the Labour Code;

“**Labour Officer**” means the Labour Officer appointed under section 6 of the Labour Code;

“**shop**” includes any premises or place where any trade or business whether wholesale or retail is carried on (but shall not include any factory or

depot where ice is sold, nor any garage or place where only petrol or motor accessories are sold);

**“shop assistant”** means any person wholly or mainly employed in a shop in connection with the serving of customers or the receipt of orders or the despatch of goods.

*(Amended by Act 5 of 1989)*

### **Powers of Governor acting on the advice of Cabinet**

**3. (1)** The Governor acting on the advice of Cabinet may by order (hereinafter referred to as a **“Shop Hours Order”**)—

- (a) define and declare the shops to which this Act shall apply;
- (b) fix the hours during which such shops may be kept open throughout Montserrat or any part thereof on the several days of the week for transacting business with the public;
- (c) authorize the keeping open of any shop after the hours fixed for closing in the case of emergency and in such other circumstances as may be specified or indicated in such order;
- (d) make any incidental, supplemental or consequential provisions which may appear necessary or proper.

*(Amended by Act 9 of 2011)*

**(2)** Every order made under this Act may be amended, varied, or revoked by a subsequent order made in like manner.

### **Employment of shop assistants after closing hour prohibited**

**4.** No shop assistant shall be employed in or about any shop except during the time fixed by any Shop Hours Order for the time being in force under this Act.

### **Hours of employment**

**5.** The number of hours during which any shop assistant may be employed in any shop shall not exceed in the aggregate in any week forty five hours exclusive of the time allowed for meals except as is hereinafter provided: Provided that, a shop assistant may be employed for stock-taking for a period not exceeding five hours in any one week in a year which period of five hours shall be in addition to the time during which he may otherwise be lawfully employed.

### **Exemption of members of family of owner or occupier**

**6.** Nothing contained in sections 4 and 5 shall apply in the case of persons employed as shop assistants who are members of the family of the owner or occupier of the shop and who are maintained by him and dwell in his house.

**Seats to be provided for female shop assistants**

7. The owner or occupier of any shop to which this Act applies in which female shop assistants are employed shall at all times provide and keep therein a sufficient number of suitable seats or chairs for the use of such female shop assistants and shall permit them to use such seats or chairs when not necessarily engaged in the work or duty for which they are employed.

**Power of entry and inspection**

8. The Labour Commissioner, the Labour Officer or any police officer may enter any shop to which this Act applies and make such enquiries as may be necessary to ascertain whether the provisions of this Act have been complied with.

*(Amended by Act 5 of 1989)*

**Offence**

9. Any person contravening the provisions of this Act or of any order made thereunder shall be guilty of an offence against this Act.

**Penalty**

10. Any person found guilty of an offence against this Act shall be liable on summary conviction to a penalty of \$96.

**Suspension of operation of shop hours order and section 5**

11. The operation of every Shop Hours Order and of section 5 shall in every year be suspended from 15 to 24 December both days inclusive.

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