

[62]

THE HOURS FOR SHOPS ORDINANCE, 1921.

Western Samoa.

No. 8, 1921.



## An Ordinance

made by the Administrator of the Territory of Western Samoa with the advice and consent of the Legislative Council of that Territory, and in pursuance of the Samoa Constitution Order, 1920.

1. This Ordinance may be cited as "The Hours for Shops Ordinance, 1921."
2. Where used in this Ordinance, the words "Regulation working hours" shall mean the hours from 8 a.m. to 12.30 p.m. on Saturdays and the hours from 8 a.m. to 5 p.m. with the exception of two hours between noon and 2 p.m. on every other week day; the word "shop" includes a wholesale and retail store, a copra or cocoa buying shed, a bakery, a lumber yard and a refreshment room.

The word "occupier" includes the owner and any agent, manager, foreman or other person acting or apparently acting in the general management or control of any shop.

3. (1) Except in cases and for the purposes specified in clause 4 hereof no shop within a radius of five miles of the Apia Post Office shall be open save during the regulation working hours.
- (2) If any such shop as aforesaid is open in contravention of this clause the occupier thereof shall be deemed to have committed an offence.
- (3) Premises shall be deemed to be open if they are not locked or effectually closed against the admission of the public or if any person is therein delivering goods to a customer.

4. Notwithstanding anything in the preceding clause hereof:
- (a) Any shop or store owned by a Chinese may be open from 7 a.m. to 2 p.m. on any Sunday for the sale of goods to indentured Chinese labourers exclusively.
  - (b) Any chemist's shop may be open for the sale of medicines and the shop of any vendor of lumber or furnishings for undertaking purposes may be open for the sale of such lumber or furnishings at any time.
  - (c) Any barber's shop may be open on any week day not being a holiday at any time for the purpose of hairdressing; shaving or shampooing.
  - (d) Any copra or cocoa buying shed may be open from 7 a.m. to 1 p.m. on Saturdays and from 7 a.m. to 12 noon and from 1 p.m. to 5.30 p.m. on any other week day not being a holiday.
  - (e) Any refreshment room may be open on any week day not being a holiday at any time for the sale of meals and of perishable articles of food made on the premises and sold for immediate consumption, not including bread in the loaf.
  - (f) Any bakery premises not being a retail shop may be open exclusively for the sale of bread and perishable baked goods between the hours of 6 a.m. and 7 p.m. on any day.
  - (g) Any butcher's or fishmongers' shop may be open on any week day not being a holiday at any time exclusively for the sale of fresh meat or fresh fish as the case may be.
  - (h) Any photographer's shop may be open on any week day at any time while the regular New Zealand mail steamer is lying in Apia Harbour.
5. (1) Except as hereinafter provided, no employee or assistant shall be employed or shall work in any capacity in any shop on any holiday or on any Sunday or on any other day except during the regulation working hours for such day without written permission first obtained from the Commissioner of Police.
- (2) The employer of any employee or assistant who is employed or works contrary to the provisions of this clause and the occupier of any shop in which such employment or work takes place or is done shall be deemed to be guilty of an offence.
6. (1) Notwithstanding anything in the last preceding clause any employee may be employed on any of the premises mentioned in clause 4 hereof at any time when such premises are lawfully open; and any employee being a baker may be employed in baking during any usual hours of employment for bakers; provided that no employee shall in any one working day of 24 hours be employed for a greater number of hours than the regulation working hours for that day; and provided further that if any employee shall be employed on any Sunday or holiday the working hours of such employee on one of the seven working days immediately following shall be reduced by the number of hours worked on such Sunday or holiday and the employee shall be employed on such working day only for the reduced number of hours.

7. (1) The following days shall be observed as holidays in Western Samoa: Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Monday, Anzac Day, the Birthday of His Britannic Majesty, Whit Monday, and any other day which may be notified by the Administrator as a public holiday.
- (2) If any of the holidays aforesaid falls on a Sunday the day following shall be deemed to be a holiday in lieu of such Sunday.
- (3) Subject to the provisions of clause 4 hereof every shop in Western Samoa shall be closed on all holidays and on each and every Sunday.
8. If any breach of the provisions of clauses 6 or 7 hereof shall take place in respect of any shop or of any employee employed in any shop the occupier of such shop and the employer of such person shall be deemed to be guilty of an offence.
9. Any person who commits an offence against this Ordinance shall be liable to a fine not exceeding £50.
10. Nothing in this Ordinance shall apply to any store controlled by or to any employee of the Samoa Administration or the Commissioner of Crown Estates.
11. Proclamation No. 50 dated 18th August, 1917 of the British Military Occupation is hereby repealed.

Assented to this 26th day of

April, 1921.

[L.S.] R. W. TATE,

Administrator.