

EARLY CLOSING ORDINANCE 1912-1959. *

513

An Ordinance relating to the closing of shops.

1. This Ordinance may be cited as the *Early Closing Ordinance 1912-1959*.*

Short title.
Short title amended:
No. 17, 1938,
s. 4.

2. This Ordinance shall commence on a day to be fixed by the Administrator by notice in the *Gazette*.†

Commencement.

3 In this Ordinance, unless the contrary intention appears—

Definitions.
Amended by
No. 1, 1921,
s. 2.

“closing time” means the period fixed, in pursuance of this Ordinance, within which shops shall be kept closed;

“shop” means the whole or any portion of any building, stall, tent, vehicle, or pack, in which goods are offered or exposed for sale by retail;

“shopkeeper” means the occupier, as principal, of any shop, and any licensed hawker, and includes any person having the management of any shop.

4.—(1.) The closing times fixed in pursuance of this Ordinance shall not so far as regards goods usually sold therein apply to shops of the classes set out in the First or Second Schedule, but shall apply as regards other goods:

Special provision as to certain shops.

Sub-section (1.) substituted by
No. 1, 1921,
s. 3.

Provided that shops of the classes set out in the Second Schedule shall close not later than twelve o'clock midnight and remain closed for not less than four hours.

* The *Early Closing Ordinance 1912-1959* comprises the *Early Closing Ordinance 1912* as amended. Particulars of the Principal Ordinance and of the amending Ordinances are set out in the following table:—

Ordinance.	Number and Year.	Date notified in <i>Commonwealth Gazette</i> .	Date of Assent by Administrator.	Date of Commencement.
<i>Early Closing Ordinance 1912</i>	No. 9, 1912	22nd November, 1912	..	2nd January, 1913
<i>Early Closing Ordinance 1921</i>	No. 1, 1921	3rd February, 1921	..	3rd February, 1921
<i>Early Closing Ordinance 1925</i>	No. 1, 1925	15th January, 1925	..	15th January, 1925
<i>Early Closing Ordinance 1932</i>	No. 4, 1932	11th February, 1932	..	11th February, 1932
<i>Administrator's Council Ordinance 1959</i>	No. 22, 1959	..	7th July, 1959	28th April, 1960

† The day fixed was 2nd January, 1913—see table above.

Amended by
N. 1, 1921,
s. 3; and
No. 22, 1959,
s. 6 and First
Schedule.

(2.) The Administrator in Council may by notice in the *Gazette* direct that any class of shops shall, from a date specified in the notice, be removed from the First or Second Schedule, and after the date so fixed the closing times fixed in pursuance of this Ordinance shall apply to those shops.

Amended by
N. 1, 1921,
s. 3.

(3.) Every shopkeeper, having a shop of a class specified in the First or Second Schedule shall allow to each assistant employed in his shop a half holiday from one o'clock in the afternoon on some one week day of every week, except a week in which a public holiday occurs and is allowed to the assistant.

Penalty for breach of this sub-section: Five pounds.

Powers of
Administrator
in Council.

Sub-section (1.)
amended by
N. 22, 1959,
s. 6 and First
Schedule.

5.—(1.) The Administrator in Council may, by notice in the *Gazette*—

- (a) declare towns, townships, or localities, to be shopping districts;
- (b) define the boundaries of shopping districts;
- (c) fix closing times for shops in shopping districts;
- (d) alter the closing times for shops in shopping districts;
- (e) specify a day which shall in each shopping district be observed as a half holiday and the closing times for shops on that day; and
- (f) declare that any shopping district shall cease to be a shopping district.

Amended by
No. 22, 1959,
s. 6 and First
Schedule.

(2.) The powers under this section shall extend to authorize the Administrator in Council to fix different closing times for shops or classes of shops or specify different days to be observed as half holidays in different districts, or different closing times for different classes of shops in the same district.

Amended by
No. 1, 1921,
s. 4.

(3.) The commencement of closing time on the day specified to be observed as a half holiday in any shopping district shall be not later than one o'clock in the afternoon.

(4.) A notice by the Administrator in pursuance of this section may be issued before the commencement of this Ordinance to come into operation at the commencement of this Ordinance.

Amended by
No. 22, 1959,
s. 6 and First
Schedule.

(5.) A notice issued by the Administrator in Council in pursuance of this section shall take effect on a date to be specified in the notice not being earlier than seven days after the publication of the notice in the *Gazette*.

6.—(1.) Every shop shall be kept closed on each day during the closing time applicable thereto, and for that part of the day no goods shall be sold or offered for sale in the shop.

Penalty for not closing shop at proper time. Sub-section (1.) substituted by No. 1, 1921, s. 5; and amended by No. 1, 1925, s. 2.

Penalty: Fifty pounds.

(2.) A shopkeeper shall be responsible for compliance with sub-section (1.) of this section in relation to his shop, but he shall not be liable to any penalty for any contravention of that sub-section by his servant or agent if he proves that the contravention was contrary to his express instructions.

(3.) A servant or agent shall be liable for any contravention of sub-section (1.) of this section committed by himself notwithstanding that his employer is also liable in respect of the contravention.

(4.) A person shall not be liable to a penalty under this section by reason only of a customer being served by him within half an hour after the commencement of closing time, if the customer was in the shop at the commencement of closing time waiting to be served and did not depart from the shop until after being served.

Amended by No. 1, 1921, s. 5.

6A. Any person who, during closing time, purchases or attempts to purchase goods at any shop to which the closing time applies shall be guilty of an offence against this Ordinance.

Goods not to be purchased during closing time.

Penalty: Fifty pounds.

Inserted by No. 1, 1921, s. 6.

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Section 6A inserted by No. 1, 1921, s. 6; and repealed by No. 4, 1932, s. 2.

6C.—(1.) Every shopkeeper shall place, in a conspicuous place in his shop, a copy of the penal sections of this Ordinance.

Penal provisions of Ordinance to be posted in shop.

(2.) Any shopkeeper who fails to comply, to the satisfaction of the Administrator or a person thereto authorized in writing by the Administrator, with the provisions of the last preceding sub-section shall be guilty of an offence, against this Ordinance.

Inserted by No. 1, 1921, s. 6.

Penalty: Fifty pounds.

6D. The provisions of this Ordinance shall apply to any office in the same premises as a shop as if it were a shop and whether or not the office is separated from the shop by a partition.

Application of Ordinance to offices.

Inserted by No. 1, 1921, s. 6.

7 Penalties for offences against this Ordinance may be recovered summarily.

Recovery of penalties.

Appeals.

8.—(1.) An appeal shall lie from any conviction for an offence against this Ordinance or from any order dismissing any information for an offence against this Ordinance to the Local Court of Full Jurisdiction nearest to the place where the conviction or order was made.

(2.) The appeal shall be instituted within the time and in the manner provided by the law in force for the time being regulating appeals from Courts of Summary Jurisdiction.

Evidence of notices by Administrator.

9. The production of the *Gazette* purporting to contain any notice by the Administrator in pursuance of this Ordinance shall be *primâ facie* evidence of the issue of that notice by the Administrator and of the validity thereof.

Section 10 repealed by No. 1, 1921, s. 7.

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State Early Closing Acts to cease to apply.

11.—(1.) The Early Closing Act 1900, No. 749, of the State of South Australia, and any Acts of that State, amending that Act shall cease to apply to the Northern Territory.

(2.) Nothing in this section shall affect the previous operation of any of the said Acts, or any right, privilege, obligation, liability, offence, or penalty, thereunder or any proceedings in respect of any of those matters.

Substituted by No. 1, 1921, s. 8.

THE SCHEDULES.

THE FIRST SCHEDULE.

Chemists and Druggists.
Undertakers.

THE SECOND SCHEDULE.

Restaurants, Eating Houses, and Refreshment shops.
Cooked Meats and Butchers' and Bakers' Small Goods shops.
Fish and Oyster shops.
Fruit shops, Flower shops, Vegetable shops.
Tobacconists.
Hairdressers.
Confectioners.
News Agents.
Public Houses.
Licensed wine shops.
