

FACTORIES AND SHOPS (AMENDMENT) ACT.

Act No. 42, 1954.

Elizabeth II,
No. 42, 1954. An Act to make further provision in relation to shops for the sale of motor spirit, motor oil and motor accessories; for this purpose to amend the Factories and Shops Act, 1912-1950, and certain other Acts; and for purposes connected therewith. [Assented to, 8th December, 1954.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**Short title
and
citation.**

1. (1) This Act may be cited as the "Factories and Shops (Amendment) Act, 1954."

(2) The Factories and Shops Act, 1912, as amended by subsequent Acts and by this Act, may be cited as the Factories and Shops Act, 1912-1954.

**Amendment
of Act No.
39, 1912.
Division 5,
Part II.
(Heading.)
Sec. 40.
(No child
to be
employed.)**

2. The Factories and Shops Act, 1912-1950, is amended—

(a) by omitting from the heading to Division 5 of Part II the words "*in factories*";

(b) by inserting at the end of section forty the following new subsection:—

(2) No child shall, unless by special permission of the Minister, be employed in any shop in the sale of motor spirit or motor oil.

In

In this subsection "motor spirit" means any liquid or substance used or adapted or intended to be used for the propulsion of motor vehicles. No. 42, 1954.

(c) by inserting at the end of section one hundred and five the following new subsection:— Sec. 105.
(Closing times for certain shops.)

(6) Nothing in this section shall apply to shops for the sale of motor spirit, motor oil or motor accessories.

(d) (i) by omitting subsections one and two of section 105A and by inserting in lieu thereof the following subsections:— Sec. 105A.
(Closing and opening times of shops for the sale of motor spirit, etc.)

(1) The opening and closing times for shops for the sale of motor spirit, motor oil or motor accessories shall, whether or not employees are employed therein—

(a) on Saturdays, Sundays and public holidays, be seven o'clock in the forenoon and six o'clock in the afternoon respectively.

In this paragraph "public holidays" means the first day of January, the twenty-sixth day of January, Easter Monday, the anniversary of the birthday of Her Majesty, and the twenty-sixth day of December, or any day observed as such in accordance with the provisions of the Banks and Bank Holidays Act, 1912, as amended by subsequent Acts, and any day appointed by the Governor pursuant thereto as a public holiday throughout the State;

(b) on all other days, be six o'clock in the forenoon and half past eight o'clock in the afternoon respectively:
Provided

No. 42, 1954.

Provided that on the days observed as Christmas Day, Good Friday and Anzac Day such shops shall be kept closed;

- (c) in any part of the State or in any city, town, or district therein, in respect of which the Governor has, pursuant to the Banks and Bank Holidays Act, 1912, as amended by subsequent Acts, appointed a special day or special half-day to be observed as a public holiday, on such public holiday, be seven o'clock in the forenoon and six o'clock in the afternoon respectively.

In this section "motor accessories" includes spare parts for motor vehicles.

(2) Where after the commencement of the Factories and Shops (Amendment) Act, 1954, an award is made under the Industrial Arbitration Act, 1940, as amended by subsequent Acts, fixing the commencing and cessation of the ordinary hours of work by employees in shops for the sale of motor spirit, motor oil or motor accessories in any shopping district or area or part thereof, the opening and closing times for such shops in any such shopping district or area or part thereof, whether or not employees are employed therein, shall be the times so fixed respectively for the commencing and cessation of the ordinary hours of work by such employees under such award: Provided that nothing in this section contained shall operate so as to permit any shop for the sale of motor spirit, motor oil or motor accessories to be opened earlier than or closed later than the times prescribed by subsection one of this section as the opening and closing times respectively for such shop.

(ii)

- (ii) by inserting at the end of the same section **No. 42, 1954.**
the following new subsection:—

(7) The provisions of any law, other than this Act and any award referred to in subsection two of this section, to the extent to which it prohibits the sale of motor spirit, motor oil or motor accessories between the opening and closing times fixed by or under this Act for shops for the sale of motor spirit, motor oil or motor accessories, shall, as from the commencement of the Factories and Shops (Amendment) Act, 1954, cease to be of any force or effect.

- (e) (i) by inserting in section one hundred and seven after the words “other than shops” wherever occurring the words “for the sale of motor spirit, motor oil or motor accessories and shops”;
Sec. 107. (Matters to be dealt with in awards.)
- (ii) by omitting from the same section the words “or by employees in shops for the sale of motor spirit, motor oil, or motor accessories”.
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