

Shops (Trading Hours) Regulation 1997

[1997-410]



New South Wales

Status Information

Currency of version

Repealed version for 22 August 1997 to 31 August 2002 (accessed 27 November 2024 at 6:54)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

The Regulation was repealed by the [Subordinate Legislation Act 1989 No 146](#), sec 10 (2) with effect from 1.9.2002.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 1 September 2002

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Shops (Trading Hours) Regulation 1997



New South Wales

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Factories, Shops and Industries Act 1962*.

JEFFREY SHAW, Q.C., M.L.C., Minister for Industrial Relations

1 Name of Regulation

This Regulation is the *Shops (Trading Hours) Regulation 1997*.

2 Commencement

This Regulation commences on 1 September 1997.

3 Definition

In this Regulation:

the Act means the *Factories, Shops and Industries Act 1962*.

4 Notes

The explanatory note and table of contents do not form part of this Regulation.

5 Trades taken to be usually carried on in certain shops

In respect of each class of shops specified in Schedule 1:

- (a) the trade that consists primarily of the sale of goods of a kind specified in that Schedule in respect of that class of shops is, for the purposes of Part 4 of the Act, taken to be the trade usually carried on in that class of shops, and
- (b) no other trade is to be taken to be a trade usually carried on in that class of shops.

6 General shops

For the purposes of the definition of **general shop** in section 78 (1) of the Act, all shops (other than scheduled shops) are classified as general shops.

7 Exemption from Division 3 of Part 4 of the Act

- (1) An application under section 78A (1) of the Act:
 - (a) must be in writing, and
 - (b) must specify whether the exemption is sought:
 - (i) from all of the provisions of Division 3 of Part 4 of the Act and of the provisions of the regulations made for the purposes of that Division, or
 - (ii) from such provisions only of that Division or of those regulations as are specified in the application, and
 - (c) must specify the grounds on which the exemption is sought.
- (2) The fee to accompany an application under section 78A (1) of the Act is \$50.
- (3) For the purposes of section 78A (10) of the Act, an appeal by a shopkeeper or occupier of a shop to the Industrial Relations Commission in Court Session against a determination of the Director-General is to be made:
 - (a) in accordance with the *Industrial Relations Commission Rules 1996*, and
 - (b) within the time specified in those Rules.

8 Partitioning off of goods in mixed shops

- (1) For the purposes of section 82 of the Act, the prescribed manner of partitioning off goods is by enclosing the goods behind a partition that is constructed from strong and durable materials and is of sufficient height to prevent access from the part of the shop that is kept open.
- (2) The Director-General may from time to time approve materials for use in the construction of partitioning, and the dimensions of partitions to be used, for purposes of this clause.
- (3) A partition that is constructed from approved materials and is of approved dimensions is taken to comply with the requirements of subclause (1).

9 Repeal

- (1) The *Shops (Trading Hours) Regulation 1992* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Shops (Trading Hours) Regulation 1992*, had effect under that Regulation continues to have effect under this Regulation.
- (3) In any award, agreement, order or determination in force under the *Industrial Relations Act 1996* immediately before the commencement of this Regulation, a

reference to a class of shops referred to in:

- (a) Schedule 2 to the *Shops (Registration and Opening and Closing Hours) Regulations*, or
- (b) Schedule 1 to the *Shops (Trading Hours) Regulation 1992*,

continues to be a reference to the class of shops so referred to as if those Regulations had not been repealed.

Schedule 1 Trades taken to be usually carried on in certain shops

(Clause 5)

| Classes of shops | Kinds of Goods |
|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| Audio shops | Records, compact discs or blank or pre-recorded audio cassettes or audio tapes |
| Book shops | Books, periodicals or magazines, whether or not sold in conjunction with the sale of stationery requisites |
| Chemists' shops | Drugs, chemicals, medicines or other pharmaceutical goods, where sold by a registered pharmacist under the Pharmacy Act 1964 |
| Confectioners' shops | Confectionery |
| Cooked food shops, being: | |
| (a) Cake and pastry shops | Cakes, pastries or pies |
| (b) Cooked provision shops | Cooked or other processed meats, poultry or preserves |
| (c) Refreshment shops | Light refreshments, milk, soft drinks, hot beverages or confectionery |
| (d) Restaurants | Meals, snacks or hot or cold beverages, where sold for consumption on the premises |
| (e) Take-away food shops | Meals, snacks or hot or cold beverages, where sold for consumption elsewhere than on the premises |
| Fish shops | Cooked or uncooked fish or shellfish |
| Flower shops | Cut flowers, plants, seeds, seedlings, wreaths, bouquets or other floral emblems |
| Fruit and vegetable shops | Fresh fruit or vegetables |
| Garden plant shops | Garden plants or shrubs, seeds, garden equipment or associated products |
| General shops | Any goods other than those prescribed in respect of any other class of shops specified in this Schedule |

| | |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| Newsagencies | Newspapers, periodicals and magazines, whether or not sold in conjunction with the sale of books, stationery, cards, educational requisites or souvenirs |
| Pet shops | Live animals, birds, reptiles, fish, pet food or pet accessories |
| Souvenir shops | Souvenirs and gift items |
| Tobacconists' shops | Tobacco, cigarettes or cigars, whether or not sold in conjunction with the sale of pipes or other smoking requisites or accessories |
| Vehicle service shops | Motor spirit, motor oil or vehicle accessories |
| Vehicle shops | Cars, trucks, motorcycles, boats, caravans or trailers, whether or not sold in conjunction with the sale of accessories or parts |
| Video shops | Blank or pre-recorded video cassettes or video tapes |