

FACTORIES AND SHOPS.

6° Elizabeth II., No. XLIV.

No. 44 of 1957.

**AN ACT to amend the Factories and Shops
Act, 1920-1956.**

[Assented to 26th November, 1957.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present 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 Act Amendment Act, 1957.*

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in Vol. 10
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Acts as
approved for
reprint, 19th
June, 1956.

(2) In this Act the Factories and Shops Act, 1920-1956,

Act No. 44 of 1920 as reprinted with amendments to and including Act No. 27 of 1954 incorporated pursuant to the Amendments Incorporation Act, 1938 and as further amended by Act No. 84 of 1956,

is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Factories and Shops Act, 1920-1957.

2. Section one hundred of the principal Act as re-enacted by Act Number 84 of 1956 is amended—

S. 100
amended.
Cf. No. 84 of
1956, s. 2.

- (a) by adding after the interpretation, “ordinary trading hours”, the following interpretations—

“prescribe” means prescribe by regulation; Cf. No. 30 of 1918, s. 4.

“public ambulance” means a motor vehicle used exclusively for the purpose of conveying any member of the public to any hospital or other place for medical treatment;

- (b) by adding after the word, “proclamation” in line two of subsection (2), the passage “, and on and after that day the provisions of this section have effect in respect of shops to which the provisions of this section apply notwithstanding any of the other provisions of this Act in general or of section one hundred and thirteen of this Act in particular”;
- (c) by adding after the subsection designation, “(3)”, the paragraph designation, “(a)”;
- (d) by substituting for the passage, “Penalty: Twenty pounds” at the end of subsection (3) the following paragraph—

(b) A person who commits an offence against paragraph (a) of this subsection is liable to a penalty of twenty pounds, unless within any period of twelve months he commits more than three offences against that paragraph in which case he

is liable to a minimum penalty irreducible in mitigation of fifty pounds for each of the offences after the third committed by him in that period. ;

- (e) by adding after the word, "may" in line two of subsection (5), the passage, "subject to subsections (5a) and (5b) of this section";
- (f) by substituting for the words, "to such extent only" in line eighteen of subsection (5), the word, "so";
- (g) by adding after the word, "available" in line nineteen of subsection (5), the words, "during extraordinary trading hours";
- (h) by deleting the passage commencing, "and may" in line twenty-one of subsection (5) and ending with the word, "hours", being the last word in the proviso to subsection (5);
- (i) by adding after subsection (5) the following subsections:—

(5a) Where a zone is so prescribed, the Governor may subject to subsection (5b) of this section exercise any power conferred on him by subsection (5) of this section in respect of any shop which is in the zone, and the shopkeeper of which is not a member of the representative body, notwithstanding that the representative body has not made a recommendation in respect of the shop, but in so doing the Governor shall as far as is practicable preserve in respect of the shop uniformity with matters prescribed on recommendation under subsection (5) of this section in respect of other shops in the zone in which the shop is situated.

(5b) (a) Where prior to the first exercise by the Governor of any power conferred on him by subsection (5) or subsection (5a) of this section, the shopkeeper of a shop in a zone so prescribed, gives written notice to the Minister that he does not desire to keep open the shop during extraordinary trading hours, none of those powers shall be exercised or take effect so as to require the shop to be kept open during extraordinary trading hours.

(b) If the shopkeeper of a shop in a zone so prescribed has not given that notice to the Minister before the first exercise of any of those powers, and if any of those powers have been exercised in respect of the shop, the shopkeeper of the shop may give written notice to the Minister at least one month before the expiration of any period during which the exercise of the powers is effective, that at the expiration of that period he does not desire to keep open the shop during extraordinary trading hours, in which case the powers shall not be exercised or take effect so as to require the shop to be kept open after the expiration of that period during extraordinary trading hours. ;

- (j) by adding after the passage, "subsection (5)" in line two of paragraph (a) of subsection (7), the passage, "or under subsection (5a)";
- (k) by adding after the word, "shall" in line two of paragraph (a) of subsection (7), the passage, ", subject to subsection (5b) of this section,";
- (l) by substituting for the word, "requisites" in line three of paragraph (b) of subsection (7), the word, "requisite";

- (m) by substituting for the word, "under" in line four of paragraph (b) of subsection (7), the words, "of an offence against"; and
- (n) by adding after subsection (7) the following subsection:—

(7a) Notwithstanding any other provision of this section an offence against this section is not committed

- (a) by any person in supplying at any time, or in opening a shop at any time, in order to supply any requisite for the purpose of enabling a public ambulance to proceed or continue on any journey; or
- (b) by the Royal Automobile Club of W.A. (Incorporated) or any of its servants in supplying at any time in an emergency any requisite for the purpose of enabling a motor vehicle of a member of that Club to continue on the journey on which it was proceeding when the emergency occurred.

S. 113
amended.
Cf. No. 84 of
1956, s. 3.

3. Section one hundred and thirteen of the principal Act is amended by deleting from subsection (2) the passage, "or to any shop where requisites mentioned in section one hundred of this Act are for sale", which passage was added to that subsection by section three of Act Number 84 of 1956.
