

FACTORIES AND SHOPS.

3° and 4° GEO. VI., No. XXVI.

No. 26 of 1939.

AN ACT to amend the Factories and Shops Act, 1920-1937.

[Assented to 16th December, 1939.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the *Factories and Shops Act Amendment Act, 1939*, and shall be read as one with the Factories and Shops Act, 1920-1937, as reprinted pursuant to the Amendments Incorporation Act, 1938, and hereinafter referred to as the principal Act.

Amendment of section 101 of the principal Act.

2. Section one hundred and one of the principal Act is hereby repealed and the following section is inserted in lieu thereof:—

Hours for closing of shops for the sale of motor spirit, oil, or accessories.

101. (1) Notwithstanding anything contained in any other section of this Act, the following pro-

visions shall govern the opening and closing of all shops for the sale of—

petrol, benzine, or other motor spirit; or motor oil; or

motor accessories—

that is to say, such shops shall be closed and kept closed, except between the hours hereinafter specified—

in the case of shops within the Metropolitan Shop District—

on Mondays to Fridays (not being public holidays), both inclusive—

between the hours of seven o'clock in the morning and eight o'clock in the evening;

on Saturdays, Sundays, and public holidays—

between the hours of seven o'clock in the morning and one o'clock in the afternoon;

but such shops may be kept open until midnight on the day immediately preceding Christmas Day, Good Friday, or Anzac Day: Provided that during the whole of Christmas Day, Good Friday, and Anzac Day all such shops shall be closed.

(2) Any shopkeeper or person acting or apparently acting in the management of any such shop who sells or permits to be sold from such shop at a time when such shop is required to be closed as aforesaid any petrol, benzine, or other motor spirit or motor oil or motor accessories shall be guilty of an offence against this Act:

Sale of motor spirit, etc., during prohibited hours an offence.

Penalty: Twenty pounds:

Provided that, if a sale of petrol, benzine, or other motor spirit or of motor oil or of motor accessories to any traveller in a case of emergency (which such traveller could not reasonably have been expected to foresee) for the purpose of enabling him to undertake or continue any journey in a motor vehicle takes place from any shop at any time when such shop should, pursuant to the last preceding subsection, be closed that sale or the opening of such shop

for the purpose only of that sale shall not be deemed to constitute an offence, if before the sale takes place the traveller purchasing such motor spirit, oil, or accessories supplies to the shopkeeper or person acting or apparently acting in the management of the shop the following information and verifies the same by subscribing his name in the book kept by the shopkeeper pursuant to this section:—

the registered number under the Traffic Act, 1919-1935, and make of motor vehicle for which such motor spirit, oil, or accessories are purchased;

the date and time of the purchase;

the name and address of the registered owner of the motor vehicle; and

the name of the person driving and the destination of the driver, the reasons for the purchase of such motor spirit, oil, or accessories, and the circumstances claimed to constitute the case of emergency aforesaid.

(3) Every shopkeeper of every such shop shall keep a book in the prescribed form in which information supplied as aforesaid shall be entered and shall retain such book in his possession for a period of three months after such book is completed.

(4) Any such shopkeeper who fails to comply with the provisions of the last preceding subsection shall be liable to a penalty of not more than twenty pounds.

(5) Any traveller who subscribes his name to any information entered as aforesaid in any such book shall, if such information is false in any particular, be liable to a penalty of not more than twenty pounds.

Interpretation

“Motor accessories.”

“Motor vehicle.”

“Shop ”

(6) For the purposes of this section—

“motor accessories” includes spare parts for motor vehicles;

“motor vehicle” means a motor vehicle within the meaning of the Traffic Act, 1919-1935;

“shop” (in addition to its general meaning under this Act) includes any place or pre-

mises on or in which a pump for supplying petrol, benzine, or other motor spirit is installed, as well as such pump itself

(7) Nothing in the foregoing provisions of this Saving- section shall be deemed to render unlawful—

- (a) the opening at any time of any shop or premises at which motor cars are garaged for the purpose only of the egress or ingress of motor vehicles from or to such shops or premises; or
- (b) the maintaining in any shop or on any premises of a parking place for motor vehicles, if all goods or articles offered for sale therein or thereon are securely screened or partitioned from access in the prescribed manner, and all pumps therein or thereon for the sale of petrol, benzine, or other motor spirit are kept securely locked during all hours when such shop or premises are required by this Act to be closed; or
- (c) the maintenance and use of a towing or breakdown service for the purpose of towing or repairing any motor vehicle which is disabled and unable to continue the journey on which it is proceeding, and the accommodating of such vehicle in any such shop or premises; or
- (d) any assistance (including the supply of motor spirit and motor accessories) rendered by the Royal Automobile Club of W.A. (Incorporated) or its servants to a member in any emergency for the purpose of enabling the motor vehicle of the member to continue the journey on which it is proceeding.