

WESTERN AUSTRALIA

AMERICA'S CUP YACHT RACE (SHOPPING HOURS) ACT

No. 52 of 1986

AN ACT to facilitate shopping during the period of the America's Cup Yacht Race and associated yacht races and activities.

[Assented to 27 October 1986.]

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

1. This Act may be cited as the *America's Cup Yacht Race (Shopping Hours) Act 1986*.

Commencement

2. This Act shall come into operation on 1 November 1986.

Interpretation

3. This Act shall be read and construed together with the *Factories and Shops Act 1963* and where a provision of this Act is inconsistent with a provision of that Act the provision of this Act prevails to the extent of the inconsistency.

Saturday afternoon shopping

4. (1) Notwithstanding anything in the *Factories and Shops Act 1963* the following provisions apply to and in relation to shops—

- (a) a shop other than a shop that is a filling station is not required to be closed on Saturday, in each week, from and after 1 p.m. and until 5 p.m.;
- (b) a shop wherein is exposed for sale or in which is sold only the articles or goods prescribed under section 88 (2) (b) of that Act is deemed to be a small shop even though—
 - (i) it is not registered as a small shop under section 88 (2) (a) of that Act;
 - (ii) the number of persons employed or engaged at any one time in the business carried on in the shop exceeds 2 but does not exceed 4.

(2) Notwithstanding any rule of law or construction to the contrary, where an agreement, lease or contract relating to the letting of a shop contains a term or covenant providing for the opening of the shop whether at specified hours or specified times or not, the occupier of the shop is not in breach of that term or covenant by reason only of failing to open the shop on Saturday, in each week, from and after 1 p.m. and until 5 p.m.

Directions

5. For the purpose of giving effect to this Act the Minister may, by Order published in the *Government Gazette*, give directions—

- (a) modifying any written law or a provision of any written law or requiring a reference, in any written law or a provision of any written law, to be read and construed as provided for in the Order;
- (b) containing such provisions (if any) as in the opinion of the Minister are necessary or convenient for the purpose of dealing with matters that are incidental to or consequential on the making of the provisions referred to in paragraph (a);
- (c) containing such provisions (if any) of a savings or transitional nature as in the opinion of the Minister are necessary or convenient for the purpose of dealing with matters that are incidental to or consequential on the making of the Order.

Duration

6. (1) This Act expires on 15 February 1987.

(2) Without affecting anything in the *Interpretation Act 1984* the expiry of this Act shall not affect the previous operation thereof or the validity of any action taken under this Act or affect any payment made or to be made in consequence of this Act.
