

BILL NO. 45 OF 2016

A BILL

FOR AN ACT TO PRESCRIBE THE OPENING HOURS OF ANY SHOP IN ANY
AREA THROUGHOUT FIJI AND FOR RELATED MATTERS

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

- 1.—(1) This Act may be cited as the Shop (Regulation of Hours) Act 2016.
- (2) This Act comes into force on 1 August 2016.

Interpretation

2. In this Act, unless the context otherwise requires—

“Minister” means the Minister responsible for trade;

“public holiday” has the same meaning as in the Employment Relations Promulgation 2007;

“shop” means any premises in which any trade, commerce or business is carried out under a licence issued pursuant to the Business Licensing Act (Cap. 204); and

“shop assistant” means any person employed for hire or reward in a shop in connection with the receipt of orders or the serving of customers who are in the shop and for the purpose of any particular trade or calling, the Minister may declare by notice in the Gazette any person employed for hire or reward in a shop to be a shop assistant for the purposes of this Act.

Opening hours

3. Any shop in any area throughout Fiji may operate for up to 24 hours within a day, including public holidays.

Exemption for the sale of liquor

4.—(1) Section 3 does not apply to licensees under the Liquor Act 2006.

(2) The opening hours for the sale of liquor by any shop will be governed by the hours prescribed in the Liquor Act 2006.

Application of relevant laws

5.—(1) Any person working in any shop or engaged in any trade or business including any shop assistant, is entitled to the rights and privileges provided under the Employment Relations Promulgation 2007 and all the subsidiary laws made under it.

(2) Any person working in any shop or engaged in any trade or business including any shop assistant, is entitled to the protection of their health and safety provided under the Health and Safety at Work Act 1996 and all the subsidiary laws made under it.

Closure of shop

6. The Minister may, by notice in the Gazette, order the closure of any shop for such time or times as prescribed in the notice.

Regulations

7. The Minister may make regulations prescribing matters that are required or permitted by this Act to be prescribed or are necessary or convenient to be prescribed for carrying out or giving effect to this Act and generally for achieving the purposes of this Act.

Repeal

8. The Shop (Regulation of Hours and Employment) Act (Cap. 100) and all the subsidiary laws made under it are hereby repealed.

SHOP (REGULATION OF HOURS) BILL 2016

EXPLANATORY NOTE

(This note is not part of the Bill and is only intended to indicate its general effect)

1.0 BACKGROUND

- 1.1 The Shop (Regulation of Hours) Bill 2016 (**'Bill'**) seeks to prescribe the opening hours of any shop in any area throughout Fiji and related matters.
- 1.2 In this particular Bill, any shop may operate for up to 24 hours within a day including public holidays. However, this Bill does not apply to licensees under the Liquor Act 2006.

2.0 CLAUSES

- 2.1 Clause 1 of the Bill provides the short title and commencement provisions.
- 2.2 Clause 2 of the Bill provides for the interpretation of the Act.
- 2.3 Clause 3 of the Bill provides that any shop in any area throughout Fiji may operate for up to 24 hours within a day, including public holidays.
- 2.4 Clause 4 of the Bill provides that the Act does not apply to licensees under the Liquor Act 2006. The sale of liquor throughout Fiji is governed by the Liquor Act 2006.
- 2.5 Clause 5 of the Bill ensures that any person working in any shop, or engaged in any trade or business including any shop assistant, is entitled to the rights and privileges provided under the Employment Relations Promulgation 2007 and also their health and safety is protected pursuant to the Health and Safety at Work Act 1996.
- 2.6 Clause 6 of the Bill provides the Minister with the power to order the closure of any shop for such time or times as prescribed by notice in the Gazette.
- 2.7 Clause 7 of the Bill gives power to the Minister to make regulation pursuant to the Act.

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2.8 Clause 8 of the Bill provides that the Act repeals the Shop (Regulation of Hours and Employment) Act (Cap. 100) and all subsidiary laws made under it.

3.0 MINISTERIAL RESPONSIBILITY

3.1 The Act comes under the responsibility of the Minister responsible for trade.

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Attorney-General