

ÉIRE.

BILLE NA SIOPAI (COINNIOLLACHA FOSTAIOCHTA), 1937. SHOPS (CONDITIONS OF EMPLOYMENT) BILL, 1937.

*Mar do ritheadh ag Dáil Éireann.
As passed by Dáil Éireann.*

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ÉIRE.

BILLE NA SIOPAI (COINNIOLLACHA FOSTAIOCHTA), 1937. SHOPS (CONDITIONS OF EMPLOYMENT) BILL, 1937.

BILL

entitled

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AN ACT TO MAKE FURTHER AND BETTER PROVISION FOR REGULATING THE CONDITIONS UNDER WHICH PERSONS ARE EMPLOYED IN SHOPS, TO MAKE PROVISION FOR ENSURING THE PAYMENT OF WAGES AT FAIR RATES TO PERSONS SO EMPLOYED, AND TO PROVIDE FOR OTHER MATTERS CONNECTED WITH THE MATTERS AFORESAID. 10

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

PART I.

PRELIMINARY AND GENERAL. 15

Short title and commencement.

1.—(1) This Act may be cited as the Shops (Conditions of Employment) Act, 1938.

(2) This Act shall come into operation on such day as shall be fixed for that purpose by order of the Minister either generally or with reference to any particular Part or provision and different days may be so fixed for different Parts and different provisions of this Act. 20

Definitions.

2.—(1) In this Act—

the expression “ the Minister ” means the Minister for Industry and Commerce; 25

the expression “ retail trade or business ” includes the business of a barber or hairdresser, the business of the lending for reward of books or periodicals, the business of a pawnbroker, the sale of refreshments or intoxicating liquors, and retail sales by auction, but does not include the sale of programmes or catalogues at theatres or other places of amusement; 30

the expression “ wholesale shop ” means any premises occupied by a wholesale dealer or merchant where goods are kept for sale wholesale to customers resorting to the premises;

the word “ shop ” includes— 35

(a) any premises in which any retail trade or business is carried on, excluding so much (if any) of such premises as is not used for the purpose of such retail trade or business;

(b) any premises in which goods are received direct from customers for the purpose of having the same dyed, cleaned, repaired, altered or laundered, excluding so much (if any) of such premises as is not used for such reception of such goods; 40

(c) any wholesale shop; 45

(d) any warehouse occupied—

(i) for the purposes of a retail trade or business, by the person carrying on such retail trade or business, or

(ii) by a wholesale dealer or merchant for the purposes of the business carried on by him in a wholesale shop; 50

(e) a hotel;

the word "hotel" means any premises structurally adapted for use and *bona-fide* used as a hotel and having apartments set apart and exclusively used for the sleeping accommodation of travellers;

5 the expression "refreshment house" means a hotel or any premises which are structurally adapted for use as and are used as a restaurant, café or tea-shop (whether such premises are or are not licensed for the sale by retail of intoxicating liquor);

10 the expression "licensed premises" means any premises (not being a refreshment house) which are licensed for the sale by retail of intoxicating liquor;

the word "proprietor" when used in relation to a shop means the person who carries on business at that shop;

15 the expression "industrial work" means industrial work within the meaning of the Conditions of Employment Act, 1936 (No. 2 of 1936);

the expression "member of the staff" means—

20 (a) when used in relation to a shop (other than a refreshment house), any person who (whether he does or does not receive wages for his services) does for the proprietor of such shop any work which is wholly or mainly performed within or in the precincts of such shop and is wholly or mainly in connection with the serving of customers or the receipt of orders or the dispatch of goods or the unpacking or packing of goods, and is not
25 industrial work, and

30 (b) when used in relation to a shop, which is a refreshment house, any person who (whether he does or does not receive wages for his services) does for the proprietor of such shop any work in connection with the business carried on therein (other than clerical work or work connected with the management of such shop) which is wholly or mainly performed within or in the precincts of such shop, and is not industrial work;

35 the word "relative" when used in relation to the proprietor of a shop means a person who—

40 (a) is the wife, husband, father, mother, grandfather, grandmother, step-father, or step-mother of such proprietor or is a son, daughter, grandson, grand-daughter, step-son, step-daughter, brother, sister, half-brother, or half-sister of such proprietor, and

(b) is maintained by and dwells in the house of such proprietor;

45 the word "juvenile" means a person who has attained the age of fourteen years and has not attained the age of eighteen years;

the expression "shop work" means work (whether within or outside a shop) which is connected with or ancillary to the business carried on at a shop, but does not include work in connection with a wholesale shop or a warehouse occupied by a wholesale dealer or
50 merchant, other than—

(a) work within the premises, or

(b) work in the collection or delivery of goods, or in attendance upon customers, or in carrying messages or running errands;

55 the word "year" when used without qualification means the period between midnight on the last Saturday night in December and midnight on the last Saturday night in the next month of December;

60 the word "prescribed" when used in relation to the District Court means prescribed by regulations made under this Act by the Minister for Justice and in every other case means prescribed by regulations made by the Minister under this Act.

(2) A member of the staff of a shop shall for the purposes of this Act be deemed to be in the employment of the proprietor of such shop.

65 (3) For the purposes of this Act a person who is a member of the staff of a shop shall be deemed to be doing shop work during

any period (other than intervals allowed for meals or rest) during which he is present (otherwise than in contravention of a direction of the proprietor of such shop) in such shop and his services are at the disposal of such proprietor.

(4) Where different trades or businesses are carried on by the same person in different parts of any premises, any part of such premises in which any particular class of retail trade or business is carried on shall, for the purposes of this Act, be deemed to be a shop. 5

Extension of Act to places where and vehicles from which retail trading is carried on.

3.—The provisions of this Act shall extend to any place where or any vehicle from which any retail trade or business is carried on as if that place or vehicle were a shop and as if in relation to any such place or vehicle the person by whom the retail trade or business is carried on were the proprietor of that shop. 10

Non-application of Act.

4.—(1) Nothing in this Act shall apply to any fair lawfully held or to any bazaar or sale of work for charitable or other purposes from which no private profit is derived or to any library at which the business of lending books or periodicals is not carried on for the purposes of gain other than that of making profits for some philanthropic or charitable object (including any religious or educational object) or for any club or institution which is not itself carried on for purposes of gain. 15 20

(2) This Act shall not, save where otherwise expressly provided, apply in respect of—

- (a) a member of the staff of a shop who is a relative of the proprietor of such shop, or 25
- (b) a member of the staff of a shop in which Post Office business is carried on who is appointed by the Minister for Posts and Telegraphs, or
- (c) a person (other than a member of the staff of a shop) who does shop work for the proprietor of such shop and who is a relative of such proprietor, or 30
- (d) railway refreshment-car attendants or railway refreshment-cars.

Penalties for offences.

5.—Every person guilty of an offence under any section of this Act shall, save in the case of an offence for which a special penalty is provided by this Act, be liable on summary conviction thereof— 35

- (a) where such person is a member of the staff of a shop, to a fine—
 - (i) in the case of a first such offence, not exceeding two pounds, together with (where such offence is a continuing offence) a further fine not exceeding ten shillings for every day on which such offence is continued, and 40
 - (ii) in the case of a second or any subsequent such offence, not exceeding five pounds, together with (where such offence is a continuing offence) a further fine not exceeding one pound for every day on which such offence is continued, or 45
- (b) where such person is not a member of the staff of a shop, to a fine— 50
 - (i) in the case of a first such offence, not exceeding ten pounds, together with (where such offence is a continuing offence) a further fine not exceeding two pounds for every day on which such offence is continued, and 55
 - (ii) in the case of a second or any subsequent such offence, not exceeding twenty pounds, together with

(where such offence is a continuing offence) a further fine not exceeding four pounds for every day on which such offence is continued.

6.—Where an offence under any section of this Act was committed by a body corporate and is proved to have been so committed with the consent or approval of, or to have been facilitated by any neglect on the part of, any director, manager, secretary or other officer of such body corporate, such director, manager, secretary or other officer shall also be deemed to be guilty of such offence and shall be liable to be proceeded against and punished accordingly.

Offences by bodies corporate.

7.—(1) Any offence under any section of this Act (except Part VI) may be prosecuted by the Minister.

Prosecution of offences.

(2) Any offence under any section of this Act (except Part VI) committed by the proprietor of a shop in relation to a member of the staff of that shop may be prosecuted by such member or by any official of a registered trade union of which such member is a member.

8.—Where a person is charged with any offence under any section contained in Part III or Part IV of this Act, it shall be a good defence to such charge for such person to prove to the satisfaction of the court before which such offence is tried that the alleged contravention of such section was rendered necessary or reasonably proper by the actual occurrence or the threat or reasonable anticipation of fire, flood, storm, violence, or any other emergency.

Emergency as a defence.

9.—(1) The Minister may, whenever and so often as he thinks fit, by order (in this Act referred to as a records order) require every person who is the proprietor of a shop to keep at such shop in relation to each member of the staff of such shop, records of such matters as are in his opinion necessary for the due enforcement of Parts II, III and IV of this Act and are specified in such order, and, if he thinks fit, may by such order require such records to be in a specified form.

Records for purposes of Parts II, III and IV.

(2) The Minister may by order under this section amend or revoke any order made under this section (including this subsection).

(3) If whenever a records order is in force the proprietor of a shop fails, neglects, or refuses to comply with the requirements of such order or makes in any record, which such proprietor is required by such order to keep, any entry which is false in any material respect knowing the same to be false, such proprietor shall be guilty of an offence under this section.

(4) This section shall not apply in respect of the proprietor of a shop if the only members of the staff of such shop are relatives of such proprietor.

10.—(1) An inspector may, for the purposes of enforcing the provisions of Parts I, II, III and IV of this Act do all or any of the following things, that is to say:—

Powers of inspector of the Minister under Parts I, II, III and IV.

(a) enter at all reasonable times any shop or part thereof;

(b) require the proprietor of such shop or the representative of such proprietor to produce to him any records which such proprietor is required by a records order to keep, and inspect and take copies of entries in such records.

(2) If any person—

(a) obstructs or impedes an inspector in the exercise of any of the powers conferred on such inspector by this section, or

(b) refuses to produce any record which an inspector lawfully requires him to produce, or

(c) produces or causes to be produced or knowingly allows to be produced to an inspector any record which is

false in any material respect knowing the same to be false,

such person shall be guilty of an offence under this section.

(3) In this section the word "inspector" means a person appointed by the Minister to exercise the powers conferred on an inspector by this section. 5

Display of abstract of Act.

11.—(1) The proprietor of a shop shall in both the Irish and English languages display in such shop in such a position that it can be easily read by members of the staff of such shop the prescribed abstract of this Act in the prescribed form. 10

(2) If the proprietor of a shop fails to comply with the requirements of this section, such proprietor shall be guilty of an offence under this section.

(3) This section shall not apply in respect of the proprietor of a shop if the only members of the staff of such shop are relatives of such proprietor. 15

Regulations.

12.—The Minister may make regulations in relation to any matter or thing referred to in this Act as prescribed or to be prescribed and which is not authorised by this Act to be prescribed by regulations made by the Minister for Justice. 20

Laying of orders before Houses of the Oireachtas.

13.—Every order made by the Minister under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made, and if a resolution annulling such order is passed by either such House within the next subsequent twenty-one days on which such House has sat after such order is laid before it, such order shall be annulled accordingly, but without prejudice to the validity of anything previously done under such order. 25

Expenses.

14.—All expenses incurred in carrying this Act (other than Part VI) into execution shall, to such extent as shall be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas. 30

Repeals.

15.—The enactments mentioned in the First Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

PART II.

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RESTRICTIONS ON EMPLOYMENT OF JUVENILES.

Prohibition of employment of persons under fourteen years of age in shops.

16.—(1) It shall not be lawful for the proprietor of a shop to employ any person whose age is less than fourteen years to do shop work.

(2) It shall not be lawful for the proprietor of a shop to permit any person whose age is less than fourteen years and who is a relative of such proprietor to do shop work except as a part-time occupation. 40

(3) If the proprietor of a shop employs a person in contravention of this section such proprietor shall be guilty of an offence under this section and such person shall also be guilty of an offence under this section. 45

Proof of age of juveniles before employment.

17.—(1) It shall not be lawful for the proprietor of a shop to employ any juvenile to do shop work unless or until a birth certificate or other satisfactory evidence of the age of such juvenile has been produced to such proprietor. 50

(2) Whenever a birth certificate of a juvenile is required for the purposes of this section, such juvenile or his parent or guardian shall, on presenting a written requisition in such form and containing such particulars as the Minister for Local Government and Public Health may direct and on payment of a fee of sixpence, be entitled to obtain a certified copy of the entry of the birth of such juvenile in the register of births under the hand of the registrar or superintendent registrar or other person having the custody thereof, and forms for such 60

requisition shall on request be supplied without any charge by every registrar of births and by every superintendent registrar or other person having the custody of the register.

(3) If the proprietor of a shop employs a juvenile in contravention of this section such proprietor shall be guilty of an offence under this section and such juvenile shall also be guilty of an offence under this section.

18.—(1) Subject to the provisions of this section, the Minister may, whenever and so often as he thinks fit, by order do the following things, that is to say:—

Restriction on employment of an undue number of juveniles.

(a) apply such order to shops of a particular class (defined in such manner and by reference to such things as the Minister thinks proper) situate in any area specified or delimited in such order, and

(b) prohibit the employment, as members of the staff of any shop of that class in that area, of juveniles.

(2) Subject to the provisions of this section, the Minister may, whenever and so often as he thinks fit, by order do the following things, that is to say:—

(a) apply such order to shops of a particular class (defined in such manner and by reference to such things as the Minister thinks proper) situate in an area specified or delimited in such order, and

(b) divide, by reference to the number of adults employed as members of the staff of each of such shops, such shops into such and so many grades as the Minister thinks proper, and

(c) prohibit the employment, as members of the staff of any shop which falls within any grade, of any juveniles in excess of the number appointed by such order in respect of that grade.

(3) An order under this section may relate to more than one class of shop and in that case may contain different provisions in relation to the different classes of shops to which such order relates.

(4) Any order under this section may, if the Minister thinks proper, provide that the proprietor of a shop who is an adult shall, for all or any (as may be specified in such order) of the purposes of such order, be deemed to be a member of the staff of such shop.

(5) In calculating for the purposes of an order under this section, the number of adult members of the staff of a shop, account shall be taken of any adults who are relatives of the proprietor of such shop and who are members of the staff of such shop.

(6) The Minister may by order amend or revoke any order made under this section (including this sub-section).

(7) If the proprietor of a shop to which an order under this section for the time being in force applies acts in contravention of such order in so far as it relates to such shop, such proprietor shall be guilty of an offence under this section.

(8) In this section—

the word "juvenile" does not include any apprentice who at the commencement of this Part of this Act is employed under indentures whereby he is bound to serve as apprentice for a period of not less than three years or any apprentice who, at or after such commencement, is employed as apprentice under rules made by an apprenticeship committee under the Apprenticeship Act, 1931 (No. 56 of 1931), but does include any juvenile

(other than any such apprentice) who is a relative of the proprietor of a shop and who works regularly as a member of the staff of such shop;

the word "adult" means a person whose age is not less than eighteen years. 5

(9) The following provisions shall have effect, in relation to the making of an order under this section, that is to say:—

(a) before making such order, the Minister shall cause a draft of such order to be prepared and shall cause to be inserted in the *Iris Oifigiúil* and in such newspapers circulating in the area to which the proposed order is intended to apply as he thinks proper a notice— 10

(i) stating his intention to make such order,

(ii) setting out the terms of such draft order,

(iii) inviting all interested parties to make to him within a specified time such representations in relation to such draft order as they may think fit; 15

(b) the Minister shall not in any case make such order until the expiration of the said specified time;

(c) at the expiration of the said specified time, the Minister may, after consideration of any representations made to him within the said specified time, make such order in terms of the said draft, without modification or with such modifications as he thinks proper. 20

(10) The making of an order under this section shall be *prima facie* evidence that the provisions of sub-section (9) of this section have been duly complied with. 25

PART III.

WORKING HOURS AND MEALTIMES.

Restriction on night employment of juveniles on shop work.

19.—(1) A juvenile who is employed to do shop work shall in every period of twenty-four hours between midday on one day and midday on the next day be allowed an interval of at least eleven consecutive hours which shall, subject to the provisions of the next following sub-section, include the hours from 10 p.m. until 6 a.m. 30

(2) The interval of eleven consecutive hours mentioned in the immediately preceding sub-section need not, in the case of a juvenile who is not less than sixteen years, include— 35

(a) if such juvenile is a male person and is employed during the hour between 5 a.m. and 6 a.m. in connection with the collection or delivery of milk or bread or newspapers, the said hour, or 40

(b) if such juvenile is a male person and is employed between the hours of 10 p.m. and 12 o'clock midnight, solely in connection with the business of serving meals to customers for consumption on the premises, the said hours, or 45

(c) if such juvenile is employed in connection with any retail trade or business carried on in a theatre and a performance is taking place in such theatre which begins before the hour of 10 p.m. and ends after the hour of 10 p.m. and not later than the hour of 1 a.m., the hours during which such performance is taking place. 50

(3) If there is any contravention of the provisions of this section in respect of any juvenile, the person who is the employer of such juvenile shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds. 55

(4) In this section the word " theatre " includes any place used for the exhibition of pictures or other optical effects by means of a cinematograph or other suitable apparatus.

(5) This section shall apply in respect of a juvenile who does shop work regularly for the proprietor of a shop and who is a relative of such proprietor.

20.—(1) It shall not be lawful for the proprietor of a shop to permit any member of the staff of that shop to continue to do shop work for him after the time in any day when such member has completed (whether for such proprietor alone or such proprietor and other persons) eleven hours shop work on such day. Daily and weekly working hours, and overtime pay.

(2) Save as otherwise provided by this section, it shall not be lawful for the proprietor of a shop to permit any member of the staff of that shop to continue to do shop work for him after the time in any week when such member has completed (whether for such proprietor alone or such proprietor and other persons)—

(a) in case such shop is a hotel, fifty-six hours shop work in such week, or

(b) in any other case, forty-eight hours shop work in such week.

(3) Notwithstanding anything contained in the immediately preceding sub-section, the proprietor of a shop may permit any member of the staff of such shop, whose age is sixteen years or more, to do in any week shop work for him for a period in excess of, in case such shop is a hotel, fifty-six hours or, in any other case, forty-eight hours, so however that the number of hours of shop work done (whether for such proprietor alone or such proprietor and other persons) by such member does not exceed—

(a) in case such shop is a hotel—

(i) sixty-six hours in any week, or

(ii) two hundred and forty-four hours in any period of four consecutive weeks, or

(iii) two thousand nine hundred hours in any year, or

(b) in any other case—

(i) sixty hours in any week, or

(ii) two hundred and sixteen hours in any period of four consecutive weeks, or

(iii) two thousand six hundred hours in any year.

(4) Where—

(a) a member of the staff of a shop is allowed in any week (other than, in case such shop is a non-special-trade shop, a week in which he is allowed a whole holiday on every week day thereof or, in any other case, a week in which he is allowed a whole holiday on every day thereof) a whole holiday as part of his annual leave, or

(b) a member of the staff of a non-special-trade shop is allowed a whole holiday on a public holiday or is allowed a whole holiday under the provisions of Part IV of this Act which relate to compensatory holidays to members of staffs of non-special-trade shops engaged in work on public holidays,

such member shall, for the purposes of sub-sections (2) and (3) of this section be deemed to have done on the day on which such whole holiday is allowed eight hours shop work.

In this sub-section the expression " non-special-trade shop " has the same meaning as in Part IV of this Act.

(5) Where a member of the staff of a shop is during any period engaged in doing industrial work, such member shall for the purposes of this section be deemed to have been engaged in doing shop work during that period.

(6) Where the proprietor of a shop permits any member of the staff of that shop to do for him shop work for a number of hours in any week after such member has completed in that week (whether for such proprietor alone or such proprietor and other persons), in case such shop is a hotel, a number of hours of shop work in excess of fifty-six or, in any other case, a number of hours of shop work in excess of forty-eight, such proprietor shall be deemed to have agreed to pay to such member, in respect of each hour of such excess, overtime pay at a rate per hour which represents the normal weekly rate reckoned in terms of hours, and increased by not less than twenty-five per cent.

(7) Subject to the provisions of this section the Minister may, whenever and so often as he thinks fit, by order under this sub-section amend in respect of shops of a specified class (defined in such manner and by reference to such things as he thinks fit) in any area specified in or delimited by such order any of the provisions of this section relating to hours, and in that case so long as such order remains in force this section shall, subject to the operation of any order made by the Minister under sub-section (9) of this section, have effect in respect of such shops subject to such amendment.

(8) Subject to the provisions of this section the Minister may by order under this sub-section revoke or amend any order made under sub-section (7) of this section or under this present sub-section.

(9) The Minister may, whenever and so often as he thinks fit, by order under this sub-section amend in respect of all shops or shops of a specified class (defined in such manner and by reference to such things as he thinks fit) in any area specified in or delimited by such order any of the provisions of this section relating to hours and declare that such amendment shall apply in respect of a specified period, and in that case the following provisions shall have effect, during the period so specified, that is to say:—

(a) this section shall have effect in respect of such shops subject to such amendment,

(b) if an order under sub-section (7) of this section is in force and such order relates to any shops to which the said order under this sub-section applies, the operation of the said order under the said sub-section (7) shall during the said specified period be suspended.

(10) Whenever the Minister proposes to make an order under sub-section (7) or sub-section (8) of this section, he shall before making such order consult with—

(a) in case there are, in the opinion of the Minister, any associations representative of proprietors of shops to which such order is intended to apply, such associations, and

(b) in case there are, in the opinion of the Minister, any associations representative of members of the staffs of such shops, such associations.

(11) If the proprietor of a shop acts in contravention of this section, such proprietor shall be guilty of an offence under this section.

(12) Any interval allowed during any day shall not be taken into account in reckoning the number of hours of shop work done on such day.

Employment
in spells.

21—(1) Subject to the provisions of this Act relating to intervals for meals, the hours of employment of a member of the staff of a shop (other than a refreshment house or a railway bookstall on or adjoining a railway platform) shall not on any date be divided into more than two spells, and the period between any such spells shall not be less than four hours in duration.

(2) The Minister may, whenever and so often as he thinks fit, by order under this sub-section amend in respect of shops

- (other than refreshment houses or railway bookstalls on or adjoining railway platforms) of a specified class (defined in such manner and by reference to such things as the Minister thinks proper) in a specified area the provisions of sub-section
- 5 (1) of this section relating to the number of spells into which the hours of employment of a member of the staff of a shop may be divided on any day, and the provisions of the said sub-section relating to the duration of the period between spells, or
- 10 both such provisions, and in that case so long as such order remains in force the said sub-section shall have effect in respect of such shops subject to such amendment.
- (3) The Minister may by order under this sub-section amend or revoke any order made under this section (including this sub-section).
- 15 (4) If in respect of any member of the staff of a shop there is a contravention of this section, the proprietor of such shop shall be guilty of an offence under this section.

22.—(1) Each member of the staff of a shop shall be allowed intervals for meals in accordance with rules contained in the Second Schedule to this Act. Intervals for meals.

20 (2) If there is in relation to any member of the staff of a shop any contravention of this section, the proprietor of such shop shall be guilty of an offence under this section and shall be liable on summary conviction thereof to the penalties mentioned in the Third Schedule to this Act.

25 (3) This section shall not apply in respect of a member of the staff of a shop, which is a railway bookstall on or adjoining a railway platform.

23.—(1) The proprietor of a shop who employs any persons as members of the staff of that shop shall specify in a notice (in this Part of this Act referred to as an hours of work notice), which shall be in the prescribed form and be constantly kept posted in a prominent place in such shop where it may be conveniently read by such persons, the daily hours to be worked for the time being by such persons and the intervals for rest and meals to be allowed for the time being to such persons. Notices of working hours, etc.

30 (2) The proprietor of a shop may from time to time substitute a new hours of work notice for an existing hours of work notice, but shall not do so unless, not less than forty-eight hours before such new hours of work notice comes into operation, he has informed each of the members of the staff of that shop, whose hours of work will be changed by such new hours of work notice, of his intention to so substitute a new hours of work notice and of the terms of such new hours of work notice.

35 (3) If the proprietor of a shop acts in contravention (whether by commission or omission) of this section, such proprietor shall be guilty of an offence under this section.

40 (4) This section shall not apply to the proprietor of any shop if the only members of the staff of that shop are relatives of such proprietor.

24.—(1) It shall not be lawful for the proprietor of a shop to allow any member of the staff of that shop to do shop work for him during any hours on any day other than the hours of work specified for that day in respect of such member in the hours of work notice for the time being in force relating to that shop. Obligation on proprietors of shops to observe hours of work notice.

55 (2) If the proprietor of a shop acts in contravention of this section, such proprietor shall be guilty of an offence under this section.

60 (3) Where the proprietor of a shop is charged with an offence under this section it shall be a good defence to such charge for such proprietor to prove to the satisfaction of the court before which such offence is tried that the alleged contravention of this section was rendered necessary by reason of illness amongst the members of the staff of that shop or other unforeseen cause.

25.—(1) Where, in order to comply with this Part of this Act, the hours of work prevailing immediately before the commencement of this Part of this Act in regard to any member of the staff of a shop are reduced or otherwise altered, the following provisions shall have effect, that is to say:—

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(a) the rate of salary, wages, or other reward (excluding overtime pay and any payments made for commencing work earlier or finishing work later than other members of the staff of such shop employed in similar work) payable to such member immediately before such commencement shall not be reduced or be otherwise altered to the detriment of such member merely because of the said reduction or alteration in the hours of work of such member;

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(b) the said reduction or alteration of hours of work shall not terminate nor prejudicially affect the contract of service under which such member is so employed immediately before such commencement, and every such contract shall continue in force after such commencement with such modifications only as may be necessary in order to comply with this Part of this Act and in particular the modification that notwithstanding the said reduction or alteration of hours of work the average weekly earnings (excluding overtime pay and any payments made for commencing work earlier or finishing work later than other members of the staff of such shop employed in similar work) payable in a normal full working week to such member under such contract shall not be reduced;

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(c) every agreement between proprietors of shops or a body representative of proprietors of shops on the one hand and members of the staffs of shops or a body representative of members of staffs of shops on the other hand which is in force immediately before such commencement and regulates or restricts the rate of salary, wages, or other reward payable to such member shall (subject to the terms of any subsequent such agreement) continue in force after such commencement notwithstanding the said reduction or alteration of hours of work but with the modification that every rate of salary, wages, or other reward which is fixed or the method of calculating which is fixed by such agreement and every restriction on any rate of salary, wages, or other reward contained in such agreement shall remain unchanged in or as to amount;

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(d) every minimum rate of salary, wages, or other reward fixed by statute or under statutory authority which is in force immediately before such commencement shall, if and so far as it is applicable to such member, continue (subject to the terms of any agreement to which such member or a body representative of such member and other members of staffs of shops is a party) after such commencement in force and unchanged in amount notwithstanding the said reduction or alteration of hours of work.

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(2) Sub-section (1) of this section shall apply and have effect in relation to every order made under this Part of this Act by the Minister fixing hours of work with and subject to the modifications that every reference in the said sub-section to the commencement of this Part of this Act shall be construed and have effect as a reference to the coming into operation of such order and every reference in the said sub-section to compliance with this Part of this Act shall be construed and have effect as a reference to compliance with such order.

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(3) This section shall also apply to wages calculated by direct reference to the number of hours worked, but with the modification that for the purposes of such application every provision in

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this section to the effect that a rate of wages or a minimum rate of wages or a restriction on a rate of wages is to remain unchanged shall be construed and have effect as a provision that the rate of wages by the hour be so adjusted or varied that the average weekly earnings shall remain unchanged.

PART IV.

HOLIDAYS.

26.—In this Part of this Act—

the expression “ Sunday-trading shop ” means a shop (other than a refreshment house or licensed premises) in which business is generally carried on on Sundays;

“ Sunday-trading shop ”, “ special-trade shop ” and “ non-special-trade shop ”.

the expression “ special-trade shop ” means a shop which is—

- (a) a refreshment house, or
- (b) licensed premises, or
- 15 (c) a Sunday-trading shop, or
- (d) a railway bookstall on or adjoining a railway platform;

the expression “ non-special-trade shop ” means a shop which is not a special-trade shop.

27.—(1) In this Part of this Act, the expression “ employment year ” when used in relation to a member of the staff of a shop means a period of one year beginning on the day on which such member last entered the employment of the proprietor of such shop or any anniversary of that day.

“ Employment year ”.

25 (2) Where—

(a) the ownership of a business carried on in a shop is after the commencement of this Part of this Act transferred by act of parties or by operation of law during the currency of an employment year of any person who immediately before such transfer was a member of the staff of that shop, and

30 (b) such person continues after such transfer to be a member of the staff of such shop,

such person shall, for the purposes of this Part of this Act (including sub-section (1) of this section) be deemed to have been employed as a member of the staff of such shop by the person (in this sub-section referred to as the new proprietor) to whom such business is transferred as on and from the beginning of such employment year, but if such person has been allowed before such transfer annual leave in respect of such employment year he shall be deemed for the said purposes to have been allowed such annual leave by the new proprietor.

28.—Where the employment of a member of the staff of a shop with the proprietor of such shop is interrupted by reason of the illness of such member, the temporary cessation of the work on which he is so employed, the temporary reduction of the weekly quantity of such work, or any other temporary cause not due to the act or default of such member, such member shall, for the purpose of reckoning any period of continuous employment with such proprietor within the meaning of any section of this Part of this Act, be deemed to have been in the employment of such proprietor during such interruption if, but only if, the following conditions are complied with, that is to say:—

“ Continuous employment ”.

- 55 (a) at the end of such interruption, such member returns to employment with such proprietor, and
- (b) such member is not employed in doing shop work during such interruption, and
- (c) the duration of such interruption does not exceed one month.

29.—(1) The proprietor of a shop shall be deemed for the purposes of this Part of this Act to allow a member of the staff of such shop a whole holiday on a particular day if, but only if, such proprietor does not permit such member to do on that day any work for him.

Construction of expressions “ allow a whole holiday ” and “ allow a half-holiday ”.

(2) The proprietor of a shop shall be deemed for the purposes of this Part of this Act to allow a member of the staff of such shop a half-holiday on a particular day, if, but only if, such proprietor does not permit such member to do, on that day after the time which is in relation to such member the appointed time, any 5 work for him.

(3) In this section the expression " the appointed time " means—

(a) in relation to a member of the staff of a shop which is a refreshment house, the hour of 3 p.m. or the expiration of the fifth hour after the time at which such person 10 commenced work on the relevant day in such shop, whichever is the earlier, and

(b) in relation to a member of the staff of any other shop, the hour of 1.30 p.m.

Public holidays.

30.—(1) Subject to the provisions of this section, each of the 15 following days shall, for the purposes of this Part of this Act, be a public holiday, that is to say :—

(a) Christmas Day when it falls on a weekday or, when it falls on a Sunday, the 27th day of December, and

(b) St. Stephen's Day when it falls on a weekday or, when it falls on a Sunday, the next following Monday, and 20

(c) St. Patrick's Day when it falls on a weekday or, when it falls on a Sunday, the next following Monday, and

(d) Easter Monday, Whit Monday, and the first Monday in August. 25

(2) Whenever in any year a day is appointed under the Public Holidays Act, 1924 (No. 56 of 1924), to be a bank holiday instead of a day mentioned in the next preceding sub-section of this section, the day so appointed shall in that year be deemed to be substituted throughout the said sub-section for the day so mentioned 30 and the said sub-section shall be construed and have effect accordingly.

(3) The Minister may, whenever and so often as he thinks fit, by order under this sub-section amend in respect of any specified area, sub-section (1) of this section in any one or more 35 of the following ways, that is to say :—

(a) by substituting, for the day which is a public holiday by virtue of paragraph (b) of the said sub-section (1), the 1st day of January, or the 6th day of January,

(b) by substituting for Easter Monday, Ascension Thursday, 40

(c) by substituting for Whit Monday, the Feast of Corpus Christi or the 29th day of June,

(d) by substituting for the first Monday in August, the 15th day of August,

and whenever any such order is made in respect of any specified 45 area, then, so long as such order remains in force, sub-section (1) of this section shall have effect in relation to any shops in such area subject to such amendment.

(4) The Minister may by order under this sub-section amend or revoke any order made by him under this section (including this 50 sub-section).

Pay in respect of holidays.

31.—(1) Where the proprietor of a shop in pursuance of this Act allows to any member of the staff of that shop any annual leave, such proprietor shall pay to such member, in respect of each day of such annual leave, salary or wages at the rate at which the remuneration of such member was payable immediately before the commencement of such annual leave. 55

(2) Where—

5 (a) the proprietor of a shop allows, in pursuance of this Part of this Act, any member of the staff of that shop on any day a whole holiday (other than a whole holiday which forms part of annual leave), or

(b) the proprietor of a non-special-trade shop allows any member of the staff of that shop a whole holiday on a public holiday,

10 such proprietor shall not, in respect of such whole holiday, make any deduction from the salary or wages of such member.

(3) In this section the expression " salary or wages " shall in relation to the member of the staff of a shop be construed as excluding overtime pay and any payment made for commencing work earlier or finishing work later than other members of the staff of such shop employed in similar work.

20 (4) For the purpose of this section the expression " salary or wages " shall include, in the case of a member of the staff of a shop to whom annual leave is allowed and who, immediately before the commencement of such annual leave, was entitled to receive as part his remuneration either board or lodgings or both, such sum in respect thereof as, in default of agreement, may be fixed by a Justice of the District Court, having jurisdiction in the area in which such shop is situate, upon the application (which shall be in the prescribed form and of which a copy shall, not less than ten days before the application is heard, be served personally or by registered letter on the proprietor of such shop or his representative and on the district court clerk) of such member, and the decision of such Justice on such application shall be final and conclusive.

30 (5) The Minister for Justice may make regulations prescribing the form referred to in the immediately preceding sub-section as prescribed.

32.—So much of this part of this Act as relates to annual leave of members of staffs of shops and pay in respect of annual leave shall apply in respect of railway refreshment-car attendants, and for the purposes of such application—

Limited application of Part IV to railway refreshment-car attendants.

(a) a railway refreshment-car attendant shall be deemed to be a member of the staff of a special-trade shop, and

40 (b) the railway company by which a railway refreshment-car attendant is employed shall be deemed to be the proprietor of a special-trade shop.

45 *Weekly half-holidays of members of staffs of shops (other than refreshment houses and licensed premises) and compensatory whole holidays in lieu of weekly half-holidays of members of staffs of refreshment houses and licensed premises.*

33.—(1) The proprietor of a shop, which is either a non-special-trade shop or a Sunday-trading shop, shall allow to each member of the staff of that shop a half-holiday on one weekday (which shall not if such shop is a non-special-trade shop be a day which is a public holiday) in each week (other than a week included in a public-holiday fortnight) and in each public holiday fortnight.

Weekly half-holidays of members of staffs of shops (other than refreshment houses, and licensed premises).

55 (2) The proprietor of a shop, which is either a non-special-trade shop or a Sunday-trading shop, shall, in respect of each week (other than a week included in a public-holiday fortnight) and of each public-holiday fortnight, give not later than the Saturday preceding that week or that public-holiday fortnight (as the case may be) to each member of the staff of such shop who is in his employment on that Saturday, notice in the prescribed form and manner specifying the weekday in that week or in that public-holiday fortnight (as the case may be) on which

he proposes to allow such member a half-holiday in pursuance of sub-section (1) of this section, and if default is made in compliance with this sub-section or if a half-holiday is allowed in that week or in that public-holiday fortnight on any weekday other than the weekday specified in such notice, any half-holiday allowed to such member in that week or in that public-holiday fortnight shall be deemed, for the purposes of the said sub-section (1), not to have been allowed under the said sub-section (1). 5

(3) Where the period of annual leave allowed to a member of the staff of a non-special-trade shop falls wholly within one week neither sub-section (1) nor sub-section (2) of this section shall apply in respect of that week. 10

(4) Where the period of annual leave allowed to a member of the staff of a Sunday-trading shop falls wholly within two weeks, neither sub-section (1) nor sub-section (2) of this section shall apply in respect of those weeks. 15

(5) Where the period of annual leave allowed to a member of the staff of a non-special-trade shop falls within two weeks, sub-sections (1) and (2) of this section shall apply only in respect of such one of those weeks as the proprietor of such shop may select, and the day specified in a notice under the said sub-section (2) in the week so selected shall not be a day which falls within such period of annual leave. 20

(6) Where the period of annual leave allowed to a member of the staff of a Sunday-trading shop falls within three weeks, the following provisions shall have effect, that is to say:— 25

(a) neither sub-section (1) nor sub-section (2) of this section shall apply in respect of the second of those weeks,

(b) sub-sections (1) and (2) of this section shall apply only in respect of such one of the first or third of those weeks as the proprietor of such shop may select and the day specified in a notice under the said sub-section (2) in the week so selected shall not be a day falling within such period of annual leave. 30

(7) If the proprietor of any shop, which is a non-special-trade shop or a Sunday-trading shop, fails, refuses or neglects to comply with the provisions of sub-section (1) of this section, such proprietor shall be guilty of an offence under this section and shall be liable on summary conviction thereof to the penalties mentioned in the Third Schedule to this Act. 35 40

(8) In this section the expression " public-holiday fortnight " means in relation to any shop the week in which a day which is for that shop a public holiday falls, and the immediately preceding week.

(9) In this Part of this Act the expression " statutory half-holiday " means a day on which a half-holiday is allowed in pursuance of this section. 45

Compensatory holidays to members of staffs of refreshment houses and licensed premises in lieu of weekly half-holidays.

34.—(1) The proprietor of a shop, which is either a refreshment house or licensed premises, shall allow to each member of the staff of that shop such number of whole holidays as will ensure that such member does not receive— 50

(a) less than two whole holidays on weekdays in each month during which such member has been continuously employed by him, nor

(b) less than twenty-six whole holidays on weekdays in each period of twelve months, commencing on the 1st day of January, during which such member has been continuously employed by him. 55

(2) For the purposes of sub-section (1) of this section where a member of the staff of a shop is allowed two half-holidays in any month, he shall be deemed to have been allowed one whole holiday in such month. 60

(3) Where annual leave is allowed to a member of the staff of a shop, which is either a refreshment house or licensed premises, the following provisions shall have effect, that is to say:—

5 (a) the proprietor of such shop shall be deemed for the purposes of this section, to have allowed such member one whole holiday in the month in which such annual leave commences;

10 (b) no part of a day falling within such annual leave shall be deemed to be a half-holiday for the purposes of sub-section (2) of this section.

(4) If the proprietor of a shop, which is either a refreshment house or licensed premises, fails, neglects or refuses to comply with the provisions of sub-section (1) of this section, such proprietor shall be guilty of an offence under this section and shall be liable on summary conviction thereof to the penalties mentioned in the Third Schedule to this Act.

20 *Compensatory holidays to members of staffs of shops working on Sundays and to members of staffs of non-special-trade shops working on public holidays.*

25 **35.—**(1) Where the proprietor of a shop does not allow a member of the staff of that shop a whole holiday on a Sunday in any week, such proprietor shall allow to him on some day (not being a day on which such proprietor allows him, in pursuance of any other provision of this Part of this Act, a whole holiday or a half-holiday) within that week—

(a) in case such member does shop work for more than four hours on that Sunday, a whole holiday, or

30 (b) in case such member does shop work for more than two hours but not more than four hours, a half-holiday.

(2) Where—

(a) a member of the staff of a shop is entitled in any week to a half-holiday under this section, and

35 (b) the proprietor of such shop allows such member a whole holiday on the day in such week which is in respect of such member a statutory half-holiday,

such proprietor shall be deemed to have allowed such member a half-holiday under this section on that day.

40 (3) If the proprietor of a shop fails, neglects or refuses to comply with the provisions of sub-section (1) of this section, such proprietor shall be guilty of an offence under this section and shall be liable on summary conviction thereof to the penalties mentioned in the Third Schedule to this Act.

45 **36.—**(1) Where the proprietor of a non-special-trade shop does not allow to a member of the staff of that shop a whole holiday on a public holiday, or allows such member a whole holiday on a public holiday but does so in pursuance of the immediately preceding section, the following provisions shall have effect, that is to say:—

50 (a) such proprietor shall allow to such member a whole holiday on some weekday (not being another public holiday nor a day on which such proprietor allows him, in pursuance of any other provision of this Part of this Act, a whole holiday or a half-holiday) within fourteen days after such public holiday;

55 (b) if such member ceases before the expiration of such fourteen days to be in the employment of such proprietor and such member has not been then allowed such whole holiday, such proprietor shall pay to him one day's pay calculated at the rate which would be applicable if such public holiday were a day of annual leave.

60 (2) If the proprietor of a non-special-trade shop fails, neglects or refuses to comply with the provisions of sub-section (1) of this

Compensatory holidays to members of staffs of shops engaged in work on Sunday.

Compensatory holidays to members of staffs of non-special-trade shops engaged in work on public holidays.

section, such proprietor shall be guilty of an offence under this section and shall be liable on summary conviction thereof to the penalties mentioned in the Third Schedule to this Act.

Annual Leave of Members of Staffs of Shops.

Annual leave of members of staffs of shops.

37.—(1) The proprietor of a shop shall allow to each member of the staff of such shop in every complete employment year of such member during which he has been continuously in the employment of such proprietor and has worked in such employment for not less than eighteen hundred hours—

(a) if such shop is a special-trade shop, fourteen consecutive whole holidays (in this Act referred to as annual leave), or

(b) if such shop is a non-special-trade shop, six consecutive whole holidays (in this Act also referred to as annual leave).

(2) Where the proprietor of both a special-trade shop and a non-special-trade shop, employs any person as a member of the staff of one of such shops during any part of an employment year of such person and as a member of the staff of the other of such shops during any other part of such employment year, such person shall be deemed for the purposes of this section to be a member of the staff of such special-trade shop during such employment year or so much thereof as he may be in the employment of such proprietor.

(3) Where a person employed as a member of the staff of a shop ceases, at any time other than the end of an employment year of such person, to be in the employment of the proprietor of such shop as a member of the staff of such shop and such person has been in the employment of such proprietor during not less than one complete month in such employment year and has worked for not less than one hundred and fifty hours in such month, the following provisions shall have effect, that is to say:—

(a) in case such shop is a special-trade shop and such proprietor has not allowed such person before such cesser fourteen consecutive whole holidays in respect of the portions of such employment year during which he was so employed, such proprietor shall pay such person at such cesser—

(i) two days' pay (calculated at the rate which would be applicable if such day were a day of annual leave allowed immediately before such cesser) in respect of each complete period of two months in the said portion of such employment year during which he has worked not less than three hundred hours, and

(ii) two days' pay (calculated as aforesaid) in respect of the period (if any) in the said portion of such employment year which is less than two months but not less than one month and during which he has worked for not less than one hundred and fifty hours;

(b) in case such shop is a non-special-trade shop and such proprietor has not allowed such person before such cesser six consecutive whole holidays in respect of the portion of such employment year during which he was so employed, such proprietor shall pay to such person at such cesser—

(i) one day's pay (calculated as aforesaid) in respect of every complete period of two months in the said portion of such employment year during which he has worked not less than three hundred hours, and

(ii) one day's pay (calculated as aforesaid) in respect of the period (if any) in the said portion of such employment year which is less than two months but not less than one month and during which

he has worked for not less than one hundred and fifty hours.

(4) The Minister may, whenever and so often as he so thinks proper, make regulations varying, in respect of all or any particular class or classes of members of staffs of shops all or any of the periods of eighteen hundred hours, three hundred hours, and one hundred and fifty hours mentioned in sub-sections (1) and (3) of this section by substituting for such periods or period such other periods or period as the Minister shall think proper, and whenever any such regulations are in force the said sub-sections shall have effect, in respect of the members of staffs of shops or the class or classes of the members of staffs of shops to which such regulations apply, as if the said periods or such of them as are effected by such regulations were varied in the manner stated in such regulations.

(5) In the case of a member of the staff of a special-trade shop, no day on which such member is allowed, in pursuance of any other section contained in this Part of this Act, a whole holiday shall be reckoned as a day of annual leave, but if any such day intervenes between days of annual leave such days shall be deemed to be consecutive notwithstanding such intervention.

(6) In the case of a member of the staff of a non-special-trade shop, no day which is a Sunday or a public holiday or a day on which such member is allowed, in pursuance of any other section contained in this Part of this Act, a whole holiday shall be reckoned as a day of annual leave, but if any such day intervenes between days of annual leave such days shall be deemed to be consecutive notwithstanding such intervention.

(7) Where a member of the staff of any shop who is a member of the Reserve Force of the Defence Forces of Ireland is absent from his employment for the purpose of attending and performing his duty as such member at any initial training, annual training, or test mobilisation, such member shall, for the purpose of reckoning any period of employment or of continuous employment within the meaning of this section, be deemed to have been in his said employment during his said absence, and accordingly the period of his said absence shall for the purposes of this section be reckoned in the said period of employment or continuous employment.

(8) This section shall apply to the employment year current at the commencement of this Part of this Act of every person who is a member of the staff of a shop at such commencement, and this section shall have effect in respect of such employment year and such person as if this section had been in force at the beginning of such employment year, but subject to the modifications, that—

(a) if such employment year expires within one month after the commencement of this Part of this Act, the proprietor of such shop shall be deemed to have complied with this section if he allows to such person not later than three months after the expiration of such employment year, such annual leave as such person may be entitled to under this section in respect of such employment year, and

(b) if such shop is a special-trade shop and such proprietor has, before the commencement of this Part of this Act, allowed to such person in such employment year one or more whole holidays which would be annual leave for the purposes of this section but for the fact that such whole holidays were less than fourteen or were not consecutive or were both less than fourteen and not consecutive, the said whole holidays so allowed shall be deemed to be annual leave for the purposes of this section and such person shall only be entitled in respect of such employment year to such number (if any) of consecutive whole holidays after such commencement as is equal to the number (if any) of days by which the number of whole holidays so allowed is less than fourteen, and

(c) if such shop is a non-special-trade shop and such proprietor has, before the commencement of this Part of this Act, allowed to such person in such employment year one or more whole holidays which would be annual leave for the purposes of this section but for the fact that such whole holidays were less than six or were not consecutive or were both less than six and not consecutive, the said whole holidays so allowed shall be deemed to be annual leave for the purposes of this section and such person shall only be entitled in respect of such employment year to such number (if any) of consecutive whole holidays after such commencement as is equal to the number (if any) of days by which the number of whole holidays so allowed is less than six.

(9) If the proprietor of a shop fails to pay to any member of the staff of such shop any moneys which become payable to such member under this section such member may recover such moneys as a simple contract debt from such proprietor.

(10) If the proprietor of a shop fails to allow annual leave to any member of the staff of such shop in accordance with this section he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to the penalties mentioned in the Third Schedule to this Act.

Time of annual leave.

38.—(1) The time in any employment year at which the proprietor of a shop shall allow annual leave to a member of the staff of such shop who is entitled to annual leave under this Part of this Act shall be selected by such proprietor.

(2) If in any employment year of a member of the staff of a shop such employment year has so far expired that there remains only, in case such shop is a special-trade shop, fourteen working days thereof unexpired or, in case such shop is a non-special-trade shop, six working days thereof unexpired and the proprietor of such shop has not at that time allowed such member annual leave, such member, if he is entitled to annual leave under this Act, may absent himself from his work for such period and shall not by reason of so absenting himself be deemed to have committed any breach of his contract of service with such proprietor, and such proprietor shall pay to such member in respect of such fourteen days or six days (as the case may be) the amount which he would be liable to pay if he had allowed such fourteen days or six days as annual leave.

(3) If the proprietor of a shop allows to a member of the staff of such shop in any employment year a period of annual leave earlier than, in case such shop is a special-trade shop, the last fourteen working days of such employment year or, in case such shop is a non-special-trade shop, the last six working days of such employment year and such member leaves the employment of such proprietor before the termination of such employment year, such proprietor shall not be entitled in respect of such allowance of annual leave to reduce the period of notice required for terminating such employment, nor the pay nor other emoluments to which such member may be entitled at the time of leaving such employment.

(4) If the proprietor of a shop fails to pay to any member of the staff of such shop any moneys which become payable to such member under this section such member may recover such money as a simple contract debt from such proprietor.

(5) In this section the expression "working days" means days which are reckonable as days of annual leave for the purposes of this Part of this Act.

39.—(1) The proprietor of a shop who is required by this Part of this Act to allow annual leave to a member of the staff of such shop, shall give to such member notice in writing of the day on which such annual leave will begin, and shall so give such notice not less than fourteen days before such day.

Notice of time
of annual leave.

(2) A notice given in pursuance of this section to a member of the staff of a shop may be given either by handing such notice to such member or by exhibiting such notice in a prominent position to which such member has access in such shop.

(3) Every proprietor of a shop who is required by this section to give to any member of the staff of such shop such notice as is mentioned in the preceding sub-sections of this section, who fails or neglects to give in accordance with this section such notice to any such member on any occasion on which he is so required so to do shall be guilty of an offence under this section and shall be liable on summary conviction thereof to the penalties mentioned in the Third Schedule to this Act.

40.—(1) It shall not be lawful for a member of the staff of a shop to do for any person for reward any shop work or industrial work—

Restriction on
work by member
of the staff of a
shop on whole
holidays or
half-holidays.

(a) at any time on any day on which he is allowed under this Act a whole holiday, or

(b) on any day on which he is allowed under this Act a half-holiday, after the time at which such half-holiday commences.

(2) If a member of the staff of a shop acts in contravention of this section such member shall be guilty of an offence under this section.

PART V.

REGULATION OF WAGES OF MEMBERS OF STAFFS OF SHOPS.

Shop Wages Board.

41.—(1) On the commencement of this Part of this Act there shall be established a board (in this Act referred to as the Board) to be styled and known as the Shop Wages Board to fulfil the functions assigned to it by this Act.

Establishment
of Shop Wages
Board.

(2) The Board shall consist of three members namely—

(a) a chairman (in this Act referred to as the chairman), and

(b) two ordinary members.

(3) The members of the Board shall be nominated by the Minister from time to time as occasion requires.

(4) One of the ordinary members shall be a person who is in the opinion of the Minister representative of proprietors of shops, and the other ordinary member shall be a person who is in the opinion of the Minister representative of members of the staffs of shops.

(5) The Chairman shall hold office during the pleasure of the Minister.

(6) Each ordinary member of the Board, unless he sooner dies, resigns, or becomes disqualified, shall hold office for such period, not exceeding five years, as the Minister may fix at the time of his nomination, but shall be eligible for renomination.

(7) If and whenever an ordinary member of the Board is adjudged bankrupt, or makes a composition or arrangement with his creditors, or is sentenced by a court of competent jurisdiction to suffer imprisonment or penal servitude, or ceases to be ordinarily resident in the State or absents himself from all sittings of the Board for a period of three months without the permission of the Minister he shall be disqualified from holding the office of ordinary member of the Board.

(8) Whenever it appears to the Minister that on account of illness or for other sufficient reason a member of the Board is temporarily unable to discharge his duties as such member, the Minister may appoint a person to act as a member for such period (not exceeding the duration of such inability) as he shall think proper, and every person so appointed to act as a member of the Board shall during the period for which he is so appointed be a member of the Board in the place of such first-mentioned member. 5

(9) The quorum at any meeting of the Board shall be all three members. 10

Regulations for proceedings of the Board.

42.—(1) The Board shall make regulations for the governance of its proceedings and may by such regulations make provision for all or any of the following matters, that is to say:—

- (a) the times and places of meetings of the Board;
- (b) the persons to whom notice of meetings of the Board shall be given; 15
- (c) the form and manner in which submissions shall be made and evidence given to the Board, and in particular whether such evidence shall be given *viva voce* or in writing; 20
- (d) the attendance for *viva voce* examination of persons who have made submissions or given evidence in writing;
- (e) the admission or exclusion of any person to or from the meetings of the Board;
- (f) such matters as appear to the Board to be necessary or expedient for the proper conduct of its business. 25

(2) Regulations made under this section shall not have any force or effect unless and until they have been approved by the Minister.

Powers of Board.

43.—(1) The Board shall have all such powers, rights, and privileges for enforcing the attendance of witnesses and examining them on oath (which any member of the Board is hereby authorised to administer) or otherwise, and for compelling the production of documents as are vested in the High Court, or a judge thereof in respect of the trial of an action, and a summons signed by any one or more members of the Board shall be equivalent to and have the like effect as a formal process issued by the High Court for enforcing the attendance of witnesses and compelling the production of documents. 30 35

(2) If any person—

- (a) on being duly summoned as a witness before the Board makes default in attending, or 40
- (b) being in attendance as a witness refuses to take an oath legally required by the Board to be taken, or to produce any document in his power and control legally required by the Board to be produced by him, or to answer any question to which the Board may legally require an answer, or 45
- (c) does any other thing which would, if the Board were a Court of Justice, having power to commit for contempt of court, be contempt of such court, 50

the Board may certify the offence of that person under their hands to the High Court and that court may, after such inquiry as it thinks proper to make, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the said court. 55

(3) A witness before the Board shall be entitled to the same immunities and privileges as if he were a witness before the High Court.

Minimum Rates of Wages.

Applications for fixing of minimum rates of wages.

44.—(1) Where— 60

- (a) a member of the staff of a shop claims that his wages are unduly low, and
- (b) no rules under this Part of this Act fixing minimum wages and applicable to such member are in force,

such member or a person who claims to be representative of the class of members of the staffs of shops to which such member belongs may send to the Minister an application (in this Part of this Act referred to as a minimum wages application) to have a minimum
5 rate of wages fixed for that class of members of staffs of shops situate in the area specified in such application.

(2) Any person making a minimum wages application shall if so requested by the Minister furnish such particulars or information as the Minister may deem necessary for the consideration of the
10 application and if any requirement of the Minister under this sub-section is not complied with the Minister may refuse to consider the application.

45.—On receipt of a minimum wages application in respect of a particular class of members of the staffs of shops situate in a
15 particular area the Minister shall, subject however to the provisions of sub-section (2) of the immediately preceding section, consider such application, and, if satisfied that such application is well-founded and that, in case such application is not made by a person
20 who belongs to that class, the applicant is in his opinion representative of such class, shall request the Board to fix minimum rates of wages for that class of members of the staffs of shops situate in the area specified in such request.

Consideration of minimum wages applications by the Minister and references to the Board.

46.—(1) Where the Minister requests the Board to fix
25 minimum rates of wages for any particular class of members of the staffs of shops situate in a particular area, the following provisions shall have effect, that is to say.—

Rules fixing minimum rates of wages.

(a) the Board shall hold an investigation into the subject matter of such request, but shall before commencing
30 such investigation publish, in some newspaper circulating in such area, a notice specifying their intention to hold such investigation and inviting interested parties to submit evidence, and shall consider any evidence so submitted;

(b) on the conclusion of such investigation the Board shall,
35 subject to the provisions of this Act, make rules fixing the minimum rates of wages for that class of members of the staffs of shops situate in such area, and may by such rules fix different minimum rates for different groups (defined in such manner and by reference to
40 such things as the Board thinks proper) of that class of members of the staffs of shops and in respect of different kinds (defined in such manner and by reference to such things as the Board thinks proper) of those shops in that area.

(2) Where an agreement has been signed (whether before
45 or after the passing of this Act) by or on behalf of a body or bodies substantially representative, in the opinion of the Minister, of proprietors of shops of a particular class in a particular area and by or on behalf of a body or bodies substantially
50 representative, in the opinion of the Minister, of a particular class of members of the staffs of such shops whereby rates of salary, wages or other reward payable to such members are regulated or restricted, and such agreement is sent to the
55 Minister by one or more of the parties thereto, with a request that it may be referred to the Board under this sub-section, the Minister may, in his discretion, either refer or refuse to refer such agreement to the Board, and, if the Minister so refers such agreement to the Board, the following provisions shall have effect, that is to say:—

(a) the Board shall hold an investigation into the subject
60 matter of such agreement, but shall before commencing such investigation publish in some newspaper circulating in such area, a notice specifying their

intention to hold such investigation and inviting interested parties to submit evidence, and shall consider any evidence so submitted;

(b) on the conclusion of such investigation, the Board shall do one of the following things, that is to say:— 5

(i) make, subject to the provisions of this Act, rules fixing minimum rates of wages (which shall be the same as the rates of wages specified in such agreement) for such class, as the Board thinks proper and specifies in such rules, of members of 10
staffs of shops of such class, as the Board thinks proper and specifies in such rules, situate in such area as the Board thinks proper and specifies or delimits in or by such rules, or

(ii) report to the Minister that in their opinion it is 15
not expedient to make such rules.

Amendment and
revocation of
rules fixing
minimum rates
of wages.

47.—(1) Any person may apply to the Minister to have any rules fixing minimum rates of wages which are in force amended in specified respects or revoked.

(2) Where an application is made to the Minister under sub- 20
section (1) of this section the following provisions shall have effect, that is to say:—

(a) in case the Minister is satisfied that the applicant is a person representative of a substantial proportion of members of the staffs of shops or proprietors of shops 25
to which the rules the subject of such application apply the Minister shall refer the application to the Board;

(b) in any other case the Minister may in his discretion either refer or refuse to refer the application to the 30
Board.

(3) Where an application under this section in relation to any rules fixing minimum rates of wages which are in force, is referred to the Board, the following provisions shall have effect, 35
that is to say:—

(a) the Board shall hold an investigation into such application but shall before commencing such investigation publish in some newspaper circulating in the area to which such rules apply a notice specifying their intention to hold such investigation and inviting interested 40
parties to submit evidence and shall hear any evidence so submitted;

(b) if on the conclusion of such investigation the Board are of opinion that such rules should not be amended or revoked, the Board shall report to the Minister accord- 45
ingly;

(c) if on the conclusion of such investigation the Board are of opinion that such rules should be amended or revoked the Board shall, subject to the provisions of this Act, make rules amending or revoking (as they 50
think fit) such first-mentioned rules.

Notice of inten-
tion to make
rules.

48.—The Board shall, before making any rules under this Part of this Act cause a draft of the proposed rules to be prepared, and shall, before making such rules, cause to be inserted in some newspaper circulating in the area to which such rules are 55
intended to relate a notice stating the terms of such draft, and shall consider any representations in relation to such terms made to them not later than thirty days after the publication of such notice.

49.—(1) Any rules made by the Board under this Part of this Act shall be submitted to the Minister, as soon as may be after they are made, and thereupon the Minister shall, after consideration of such rules, make an order confirming such rules either
5 without modification or with such modifications (either by way of addition, omission or variation) as, after consultation with the Board, he thinks fit, and upon the making of such order, such rules shall, subject to such modifications (if any) as may have
10 date (not being earlier than the date of such order) as may be specified in such order.

Confirmation of rules.

(2) Every order made under this section shall embody a copy of the rules to which it relates.

(3) Where the Minister makes an order under this section
15 confirming any rules, the Minister shall cause notice of the making of such order to be published in the *Iris Oifigiúil*.

50.—In any proceedings under this Part of this Act the production of a copy of an order under the immediately preceding section confirming any rules made under this Part of this Act
20 shall, if such copy purports to be published by the Stationery Office, be *prima facie* evidence of the making of such rules and of the contents thereof.

Proof of rules.

51.—(1) Where any rules regulating minimum rates of wages are for the time being in force, the proprietor of a shop shall
25 pay to each member of the staff of such shop to whom such rates are applicable wages at a rate not less than the appropriate minimum rate under such rules clear of all deductions.

Prohibition of payment of wages below minimum rates.

(2) If the proprietor of a shop acts in contravention of this section, such proprietor shall be guilty of an offence under this
30 section.

(3) In any proceedings against the proprietor of a shop under this section, it shall lie with such proprietor to prove that he has paid wages at not less than the minimum rate.

(4) Where the proprietor of a shop is convicted of an offence
35 under this section the court may, in addition to the penalty imposed by the court, order such proprietor to pay to the member of the staff of such shop in relation to whom the offence was committed such sum as appears to the court to be due by such proprietor to such member on account of wages; the wages being
40 calculated on the basis of the minimum rate payable under the rules regulating minimum rates of wages applicable to such member, but the power to order payment of wages under this provision shall not be in derogation of any right of such person to recover wages by any other proceedings.

(5) Any agreement for the payment of wages in contravention of this section or for abstaining to exercise any right of enforcing the payment of wages in accordance with this section shall be
45 void.

(6) For the purposes of this section the word "deduction"
50 includes deductions for or in respect of any matter whatsoever (other than deductions under the National Insurance Act, 1911, as amended by subsequent enactments, or the Unemployment Insurance Act, 1920, as amended by subsequent enactments, or the Widows' and Orphans' Pensions Act, 1935 (No. 29 of 1935),
55 as amended by subsequent enactments, or deductions authorised by any Act to be made from wages in respect of contributions to any superannuation or other provident fund), and notwithstanding that they are deductions which may lawfully be made from wages under the provisions of the Truck Acts, 1831 to 1896, and
60 where any payment being a payment authorised to be received by

an employer under section 1 of the Truck Act, 1896, is made by a member of the staff of a shop to his employer, the employer shall, for the purposes of the foregoing provision be deemed to have deducted that amount from wages.

Records of wages.

52.—(1) Where any rules regulating minimum rates of wages are in force and are applicable to a member of the staff of a particular shop, it shall be the duty of the proprietor of such shop to keep at such shop such records as are necessary to show that such rules are being complied with in relation to such member, and to permit an inspector to inspect at all reasonable times and take copies of such records. 5 10

(2) If the proprietor of a shop—

(a) fails or neglects to keep at such shop such records as are required by this section to be kept, or refuses to allow an inspector to inspect such records or take copies thereof at any reasonable time, or 15

(b) wilfully or negligently makes in such records any entry which is false or misleading in any material particular, such proprietor shall be guilty of an offence under this section.

(3) In this section the word “inspector” means a person authorised in writing by the Minister to exercise the powers conferred on an inspector by this section. 20

Exemptions.

53.—The provisions of this Part of this Act shall not apply in respect of any member of the staff of a shop who is employed as an apprentice under rules made by an apprenticeship committee under the Apprenticeship Act, 1931 (No. 56 of 1931). 25

PART VI.

ARRANGEMENTS FOR HEALTH AND COMFORT OF MEMBERS OF STAFFS OF SHOPS.

Definitions for purposes of Part VI.

54.—In this Part of this Act— 30

the expression “sanitary authority” means the sanitary authority under the Public Health Acts, 1878 to 1931;

the expression “suitable and sufficient” means, in relation to any shop or part of a shop, suitable and sufficient having regard to the circumstances and conditions affecting that shop or part. 35

Provisions as to sanitary or other arrangements in shops.

55.—(1) In every part of a shop in which persons are employed by the proprietor of such shop to do shop work—

(a) suitable and sufficient means of ventilation shall be provided and suitable and sufficient ventilation shall be maintained; 40

(b) suitable and sufficient means shall be provided to maintain a reasonable temperature and a reasonable temperature shall be maintained.

(2) In every shop, not being a shop in respect of which an order made under sub-section (6) of this section is for the time being in force, there shall be provided and maintained suitable and sufficient sanitary conveniences available for the use of persons employed in or about the shop. 45

(3) In every part of a shop in which persons are employed to do shop work, suitable and sufficient means of lighting shall be provided, and every such part of such shop shall be kept suitably and sufficiently lighted. 50

(4) In every shop, not being a shop in respect of which an order made under sub-section (7) of this section is for the time being in force, there shall be provided and maintained suitable and sufficient washing facilities available for the use of persons
5 employed in or about the shop.

(5) Where any persons doing shop work take any meals in a shop, there shall be provided suitable and sufficient facilities for taking those meals.

(6) Where the sanitary authority for a sanitary district are
10 satisfied as respects any shop in such district that—

(a) by reason of restricted accommodation or other special circumstances affecting such shop, it is reasonable that such shop should be exempted from the obligations imposed by sub-section (2) of this section, and

15 (b) suitable and sufficient sanitary accommodation is otherwise conveniently available,

the said sanitary authority may, by order (in this section referred to as an exemption order) exempt such shop from the said obligations.

20 (7) Where the sanitary authority for a sanitary district are satisfied as respects any shop in that district that—

(a) by reason of restricted accommodation or other special circumstances affecting such shop, it is reasonable that such shop should be exempted from the obligations imposed by sub-section (4) of this section, and

25

(b) suitable and sufficient washing facilities are otherwise conveniently available,

the said sanitary authority may by order (in this section also referred to as an exemption order) exempt such shop from the
30 said obligations.

(8) Where an exemption order in relation to any shop is in force the sanitary authority by which such order was made may by order (in this section referred to as a cancellation order) which shall specify the grounds upon which it is made cancel the said
35 exemption order.

(9) Where a sanitary authority make in relation to any shop a cancellation order, the following provisions shall have effect, that is to say:—

40 (a) the sanitary authority shall serve on the proprietor of such shop a copy of such order, and such order shall, if no appeal against such order is made under the next following paragraph, come into force at the expiration of the twenty-first day after the date of the service of such copy;

45 (b) such proprietor may before such expiration appeal to the Minister for Local Government and Public Health against such cancellation order;

(c) in the event of such appeal being duly made, the following provisions shall have effect, that is to say:—

50 (i) the said Minister shall, after considering the matter, make, as he thinks proper, either an order (in this section referred to as a confirming order) confirming such cancellation order or an order revoking such cancellation order;

55 (ii) such cancellation order shall not come into force unless the said Minister makes a confirming order, and in that event such cancellation order shall come into force on the seventh day after the date of the confirming order.

60 (10) If it appears to the sanitary authority for a sanitary dis-

trict that there has been, in the case of any shop in such district a contravention of sub-section (1), sub-section (2), sub-section (3), sub-section (4), or sub-section (5) of this section, the said sanitary authority shall, by notice (in this section referred to as a works notice) served on the proprietor of the shop, require him to take, within such time as may be limited by the notice, such action as may be specified in the notice for the purpose of securing compliance with such sub-section. 5

(11) Where—

- (a) a works notice has been served under the immediately preceding sub-section by a sanitary authority on the proprietor of a shop, and 10
- (b) such shop is a tenement within the meaning of the Landlord and Tenant Act, 1931 (No. 55 of 1931), and
- (c) such proprietor is the tenant of such shop, and 15
- (d) the action required by the said notice to be taken involves the execution of any work which is an improvement within the meaning of the said Act,

the following provisions shall have effect, that is to say:—

- (i) the provisions of the said Act shall apply in like manner as if such works notice were a notice under the Public Health Acts, 1878 to 1931, requiring such proprietor to execute a work which is an improvement within the meaning of the said Act; 20 25
- (ii) if the landlord of such shop has served under and in accordance with section 13 of the said Act, as so applied, a sanitary work undertaking on such proprietor and such proprietor has under the said section 13 served a copy of such sanitary work undertaking on such sanitary authority, such works notice shall for the purpose of sub-section (12) of this present section be deemed to have been served by such sanitary authority on such landlord and be deemed not to have been served on such proprietor. 30 35

(12) Whenever a works notice is served or deemed to have been served on any person and such person fails or neglects to comply with the requirements thereof, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds, or in the case of a subsequent conviction in respect of the same requirement, to a fine not exceeding fifty pounds or five pounds for every day since the first conviction in respect of that requirement, whichever is the greater. 40 45

(13) Where a person is charged with an offence under this section it shall be a defence to prove that there was no contravention of sub-section (1), sub-section (2), sub-section (3), sub-section (4) or sub-section (5) (as the case may be) of this section, or that the requirements of any works notice were, within a reasonable time after service of such notice, complied with in so far as they were necessary to secure compliance with the provisions of such sub-section. 50

(14) Where a document is required by this section to be served on the proprietor of a shop, such document shall be addressed to such proprietor and shall be served on such proprietor in some one of the following ways, that is to say:— 55

- (a) by delivering it to such proprietor;
- (b) by leaving it at the address at which such proprietor ordinarily resides; 60
- (c) by sending it by post in a prepaid registered letter

addressed to such proprietor at the address at which he ordinarily resides.

For the purposes of this sub-section a company registered under the Companies Acts, 1908 to 1924, shall be deemed to be ordinarily
5 resident at its registered office, and every body corporate and every unincorporated body shall be deemed to be ordinarily resident at its principal office or place of business within the State.

(15) An order made by a sanitary authority under this section shall be under their seal and shall be authenticated by the
10 signature of their chief executive officer or his lawful deputy, and every notice proceeding from a sanitary authority under this section shall be signed by their chief executive officer or his lawful deputy.

(16) Any document made or proceeding from a sanitary
15 authority under this section may be proved by the production of a copy thereof certified to be a true copy by the person purporting to be the chief executive officer of such sanitary authority or his lawful deputy.

56.—(1) Where in any room in a shop female members of the
20 staff are employed in the serving of customers, it shall be the duty of the proprietor of such shop to do the following things, that is to say:—

Seats for
female members
of staffs of
shops.

(a) to provide seats (in the proportion of not less than one
25 to every three female members of the staff employed in such room) for such female members either behind the counter or in such other position as may be suitable for the purpose;

(b) to permit the female members of the staff so employed to
30 make use of such seats whenever the use thereof does not interfere with their work;

(c) to give notice in the prescribed manner and in the prescribed form of the provisions of paragraph (b) of this sub-section.

(2) If the proprietor of a shop fails, neglects or refuses to comply
35 with the obligations imposed on him by this section, such proprietor shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding, in the case of a first offence under this section, three pounds and, in the case of a second or any subsequent such offence a fine not exceeding five
40 pounds.

57.—(1) Subject to the provisions of the Local Authorities
45 (Officers and Employees) Act, 1926 (No. 39 of 1926), a sanitary authority shall for the purposes of this Part of this Act appoint such and so many inspectors as the Minister for Local Government and Public Health may approve or direct, and every inspector so appointed shall be deemed to be a sanitary officer within the meaning of section 11 of the Public Health (Ireland) Act, 1878, and the provisions of that section shall apply accordingly.

Inspectors.

(2) A sanitary authority may, if the Minister for Local Govern-
50 ment and Public Health approves, in lieu of, or in addition to appointing inspectors under the immediately preceding sub-section, assign to any of the sanitary officers of such sanitary authority under section 11 of the Public Health (Ireland) Act, 1878, such
55 duties in relation to the carrying out of this Part of this Act as such sanitary authority think proper and the said Minister approves, and any such officer to whom such duties shall have been so assigned shall perform such duties and shall, if so declared by the said Minister, be deemed to be an inspector appointed by such sanitary authority for the purposes of this Part
60 of this Act.

(3) References in the next following section of this Act to an inspector of a sanitary authority shall be construed as references to a person appointed or deemed to have been appointed under this section an inspector by such sanitary authority for the purposes of this Part of this Act. 5

Powers of inspectors of sanitary authorities.

58.—(1) An inspector of a sanitary authority may, within the district of such sanitary authority, do, for the purposes of ascertaining whether the provisions of this Part of this Act are being complied with, all or any of the following things, that is to say:— 10

(a) enter at any reasonable time by night or day any shop in such district;

(b) inspect such shop or any part thereof;

(c) make all such tests and do all such things as he may consider necessary for the said purpose. 15

(2) If any person obstructs or interferes with an inspector of a sanitary authority in the exercise of the powers conferred on such inspector by this section, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds. 20

Enforcement of Part VI.

59.—It shall be the duty of the sanitary authority to enforce the provisions of this Part of this Act and to exercise the powers vested in them by the said Part.

Local inquiries.

60.—(1) Whenever power is conferred on the Minister for Local Government and Public Health by this Part of this Act to make any order or take any other action, the said Minister may, before exercising such power, hold a local inquiry into the matter which is the subject of the exercise of such power. 25

(2) Article 32 of the Schedule to the Local Government (Application of Enactments) Order, 1898, shall apply in respect of every local inquiry held under this section in like manner as the said Article applies in respect of the local inquiries mentioned therein and for the purposes of the application of the said Article 32 in respect of every local inquiry held under this section the reference in sub-Article (3) of the said Article 32 to councils and other authorities concerned shall be construed as including a reference to any other persons concerned. 30 35

Prosecution of offences under Part VI.

61.—Any offence under any section contained in this Part of this Act may be prosecuted by the sanitary authority for the district within which such offence was committed. 40

Expenses under Part VI.

62.—(1) All expenses incurred by the Minister or the Minister for Local Government and Public Health under this Part of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

(2) Any expenses incurred under this Part of this Act by a sanitary authority shall be raised and defrayed in the manner in which the expenses incurred by such sanitary authority under the Public Health Acts, 1878 to 1931, are raised and defrayed, and, in the case of the board of health of a county health district, shall be charged equally over the whole of such county health district. 45 50

FIRST SCHEDULE.

ENACTMENTS REPEALED.

Session and chapter.	Short title.	Extent of repeal.
2 Geo. V., c. 3.	Shops Act, 1912	Sections 1, 2, 3, sub-section (2) of section 11, sub-section (6) of section 21, the First Schedule, and the Fifth Schedule.
2 and 3 Geo. V., c. 24.	Shops Act, 1913	The whole Act.

SECOND SCHEDULE.

RULES FOR INTERVALS FOR MEALS.

1.—Intervals for meals shall be so arranged as to secure that—

- 5 (a) no person shall be engaged in work for more than six hours without an interval of at least thirty minutes being allowed during the course thereof, and
- (b) there shall be at least three hours between each interval for meals.

10 2.—(1) Without prejudice to Rule 1, where the hours of work include the hours from 11.30 a.m. to 2.30 p.m., an interval of not less than one hour shall be allowed for dinner and such interval shall commence between those hours.

(2) Where—

15 (a) the hours of work include the hours from 11.30 a.m. to 2.30 p.m., and

(b) either—

20 (i) a person employed as a member of the staff of a refreshment house or licensed premises is allowed on any day an interval of not less than one hour so arranged as either to end not earlier than 11.30 a.m. or to commence not later than 2.30 p.m., or

25 (ii) a person employed as a member of the staff of any shop (not being a refreshment house or licensed premises) in a town in which a market is held not oftener than once a week is allowed on any day on which a market is held in that town an interval similarly arranged, or

30 (iii) a person employed as a member of the staff of a shop (not being a refreshment house or licensed premises) in a town in which an annual fair is held is allowed on the day on which such annual fair is held in that town an interval similarly arranged,

35 the provisions of paragraph (i) of this Rule shall be deemed to have been complied with in respect of that person on that day.

3. Without prejudice to Rule 1, where the hours of work include the hours from 4 p.m. to 7.30 p.m., an interval of not less than half-an-hour shall be allowed between those hours for tea.

THIRD SCHEDULE.

PENALTIES FOR CERTAIN OFFENCES.

In the case of a first offence under the relevant section a fine not exceeding ten pounds or in the case of any subsequent such offence a fine not exceeding twenty-five pounds. 5



Éire.

BILLE NA SIOPAI (COINNIOLLACHA
FOSTAIOCHTA), 1937.

BILLE

dá ngairmtear

Acht chun socruithe bhreise agus fheabhsa do dhéanamh chun na geoinníollacha fé n-a bhfostúitear daoine i siopaí do rialáil, chun socruithe do dhéanamh chun a chur in áirithe go n-íocfar págh do réir rátaí cothroma le daoine fostúitear amhlaidh, agus chun socruithe do dhéanamh i dtaobh nithe eile bhaineas leis na nithe roimhráite.

Rithte ag Dáil Eireann, 16adh Feabhra, 1938.

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SHOPS (CONDITIONS OF EMPLOYMENT)
BILL, 1937.

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entitled

An Act to make further and better provision for regulating the conditions under which persons are employed in shops, to make provision for ensuring the payment of wages at fair rates to persons so employed, and to provide for other matters connected with the matters aforesaid.

Passed by Dáil Eireann, 16th February, 1938.

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