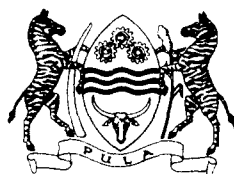


THE SHOP HOURS (AMENDMENT) ACT, 1970

No. 40



of 1970.

AN ACT TO AMEND THE SHOP HOURS PROCLAMATION BY VARYING THE HOURS DURING WHICH SHOPS MAY BE OPEN, TO CONTROL THE HOURS AND CONDITIONS OF EMPLOYMENT OF PERSONS EMPLOYED IN SHOPS AND RESTAURANTS AND FOR MATTERS INCIDENTAL THERETO

Date of Assent: 14.8.1970.

Date of Commencement: 26.8.1970

ENACTED by the Parliament of Botswana:

Short Title

1. This Act may be cited as the Shop Hours (Amendment) Act, 1970.

Amendment of long title of Chapter 158.

2. The long title of the Shop Hours Proclamation (hereinafter referred to as the principal law) is amended by the addition immediately after the word "shops" appearing therein of the words "and restaurants".

Amendment of section 1 of Chapter 158

3. Section 1 of the principal law is amended by the insertion immediately after the word "Shop" appearing therein of the words "and Restaurant".

Amendment of section 2 of Chapter 158

4. Section 2 of the principal law is amended as follows —
 - (a) by the insertion therein in their appropriate alphabetical position of two new definitions as follows —

“assistant” means any person employed in or about a shop or restaurant but does not include any person solely employed as a caretaker, cleaner, domestic servant or for the purposes of delivery to customers of goods and merchandice purchased in such shop or restaurant;

“restaurant” means a restaurant licensed under the Trading Act, 1966;

(b) in the definition of “employer” appearing therein by the insertion immediately after the word “shop” wheresoever it appears of the word “restaurant”; and

(c) by the deletion of the definition of “shop assistant” appearing therein.

Repeal of section 3 of Chapter 158

5. Section 3 of the principal law is repealed.

Repeal and replacement of section 4 of Chapter 158

6. Section 4 of the principal law is repealed and replaced by a new section as follows —

“Shop hours

4. (1) Subject to the provisions of sections 5 and 6 of this Proclamation no person shall open or keep open or in or from any shop sell or supply any goods or merchandise or take any order, and no auctioneer, hawker or pedlar shall carry on business —

(a) on a public holiday;

(b) for more than two hours on a Sunday;

(c) on Mondays to Fridays inclusive earlier than 5.30 a.m. or later than 7 p.m. or, in the case of a shop in respect of which a small general trader’s licence has been issued under the Trading Act, 1966, later than 10 p.m.;

(d) on a Saturday earlier than 5.30 a.m. or later than 1 p.m.

(2) A local authority may prescribe by notice the two hours during which shops in the area of its jurisdiction may be kept open on a Sunday.

(3) On the 24th December, such day not falling on a Sunday, shops may remain open until 10 p.m.: Provided that when such day falls on a Sunday shops may remain open to 10 p.m. on the preceding day.

Amendment of section 5 of Chapter 158

7. Section 5 of the principal law is amended by the deletion of the word “President” appearing therein and by the substitution therefor of the word “Minister”.

Repeal and replacement of section 6 of Chapter 158

8. Section 6 of the principal law is repealed and replaced by a new section as follows —

“Special provisions regarding holidays

6. Notwithstanding anything contained in section 4 of this Proclamation if a Sunday immediately precedes or follows a public holiday or if one public holiday immediately succeeds another public holiday shops which sell food for human consumption and newspapers may be open between the hours of 7 a.m. and 11 a.m. on the second and any immediately succeeding holiday.”.

Repeal and replacement of section 7 of Chapter 158

9. Section 7 of the principal law is repealed and replaced by a new section as follows —

“Hours of employment

7. (1) No person shall employ in any shop or restaurant any assistant —
- (a) for more than forty-seven and a half hours in any one week, excluding meal hours, except in the cases specified in section eight of this Proclamation;
 - (b) for more than eight and a half hours in any one day, excluding meal hours, to be completed within ten hours of the commencement of such employee’s work;
 - (c) for more than five hours without an interval of at least one hour for a meal;
 - (d) after 1 p.m. on more than five days in any one week.

(2) Save as is provided in section 8 no employer shall employ any assistant —

- (a) under the age of eighteen years in any shop or restaurant for more than seven hours in any one day and such seven hours shall, in any event, be within the same period of ten hours; or
- (b) whose salary does not exceed R1080 per annum in any shop other than during the hours in which such shop is authorised to be open.

(3) Every employer shall keep a true record in such form and make entries therein within such times as may be prescribed by the Minister of the hours worked by his assistants and shall produce such record for inspection by a police officer, administrative officer or other public officer authorised in writing by the Minister to inspect such records.”

Amendment of section 9 of Chapter 158

10. Section 9 of the principal law is amended by the deletion of the words "employee" and "employees" wheresoever they occur therein and by the substitution therefor of the words "assistant" and "assistants" respectively.

Amendment of section 10 of Chapter 158

11. Section 10 of the principal law is amended as follows —

- (a) by the deletion of the word "President" appearing therein and by the substitution therefor of the word "Minister"; and
- (b) by the deletion of the words "ten rand" appearing therein and by the substitution therefor of the letter and figures "R20".

Amendment of section 11 of Chapter 158

12. Section 11 of the principal law is amended by the deletion of the words "fifty rand" appearing therein and by the substitution therefor of the letter and figures "R100".

Passed by the National Assembly this day, the 9th July, 1970.

G.T. MATENGE,
Clerk of the National Assembly