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Shop Hours Act, No. 75 of 1955

Act 75 of 1955

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Shop Hours Act, No. 75 of 1955

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Shop Hours Act, No. 75 of 1955

Act 75 of 1955

Commenced on 2 September 1955

[This is the version of this document at 1 December 1998.]

An Act to consolidate the law relating to the closing of shops during certain hours.

1. Short title

This Act may be cited as the Shop Hours Act, No. 75 of 1955.

2. Definitions

In this Act, unless inconsistent with the context—

"**auctioneer**" means a person who undertakes or conducts any sale by public auction other than a person who is exempted from taking out an auctioneer's licence under the Trading Licences Act [No. 27 of 1939](#);

"**chemist**" means a person in possession of a registration certificate entitling him to practise as a chemist under the Pharmacy Act [No. 38 of 1929](#);

"**goods**" or "merchandise" includes food, drink, meals and refreshments;

"**hawker**" means a person who travels with a wagon or other vehicle (other than a hand barrow or hand cart propelled by himself) and who carries goods or merchandise for sale;

"**normal hours**" means the days and hours on and during which a shop is permitted by [section 3](#) to be open;

"**holiday**" means and includes a public holiday established under the provisions of the Public Holidays Act [No. 71 of 1938](#);

"**Minister**" means Minister for Enterprise and Employment;

"**open**" in relation to a shop means open for the admission of a person for the purpose of selling or supplying to him in such shop any goods or merchandise, or for the purpose of taking an order or for the display of samples to a person;

"**pedlar**" means a person who travels on foot and without a vehicle (other than a hand barrow or hand cart propelled by himself) or with a pack animal or carrier and who carries goods or merchandise for sale;

"**shop**" means any building or portion thereof, structure, room, market stall, tent, booth, vehicle or any place which is used for the sale therein, thereon or therefrom of goods or merchandise, or for the display of samples and includes a hairdresser's or barber's saloon, but does not include a commercial traveller's sample room, premises used as a factory, or places licensed to sell intoxicating liquors under any law in force;

"**urban area**" means a town or municipality established under the Urban Government Act [No. 8 of 1969](#).

3. Normal hours during which shops, etc., may be kept open

(1) Except as provided in [section 4](#) no person shall open or keep open any shop, and no person shall in or from any shop sell or supply any goods or merchandise, or take any order, or display any samples, and no auctioneer, hawker or pedlar shall carry on his business—

(a) on any Sunday or holiday;

- (b) earlier than seven o'clock in the morning;
- (c) later than one o'clock in the afternoon on any Saturday, which day shall be deemed to be an early closing day;
- (d) later than five o'clock in the evening on any Monday, Tuesday, Wednesday, Thursday or Friday:

Provided that paragraphs (b), (c) and (d) of this sub-section shall not apply to any shop outside any urban area.

- (2) Notwithstanding anything contained in sub-section (1) the Minister for Commerce, Industry and Mines may by notice in the *Gazette* fix in any area a weekly early closing day on a day other than Saturday, in which case the provisions of this Act applying to Saturday shall be read as applying to such other appointed day.

4. Certain shops which may be kept open outside normal hours

- (1) Outside the normal hours the following shops may be open for the sale of such goods or merchandise on such days and during such hours as are herein specified, namely—

Shops	Articles or merchandise	Days	Hours outside normal hours
Auctioneers ^(a)	Any goods, merchandise, livestock or fixed property.	Saturdays.	1 p.m. to 6 p.m.
Bakers	Bread, cakes, pastries, biscuits, sweets and confectionery.	Weekdays except holidays.	6 a.m. to 7 am.
Chemists	Medical and surgical requirements essential for the immediate treatment of the sick.	Daily any day.	All hours.
Dairies	Fresh milk, fresh cream and butter.	Weekdays except holidays.	6 a.m. to 7 a.m. and 5 p.m. to 7 p.m.
General Dealers or Grocers whose premises are situated inside an urban area	Foodstuffs, non-alcoholic drinks, tobacco and matches.	Such days as the appropriate licensing authority, under the law relating to trading licences may, on application, grant.	Such hours as appropriate licensing authority, under the law relating to trading licences, may, on application, grant.
General Dealers, whose premises are situated outside an urban area ^(a)	(i) Petrol and oils and requisites for vehicles to enable such to proceed on journey only; medical requisites.	(i) Daily.	(i) All hours.
	(ii) Foodstuffs, non-alcoholic drinks, tobacco and matches.	(ii) Holidays except Christmas Day and Good Friday.	(ii) All hours.
	(iii) Foodstuffs, non-alcoholic drinks, tobacco and matches.	(iii) Sundays, Christmas Day, Good Friday.	(iii) 7 a.m. to 5 p.m.

(a)

As inserted by 34 of 1956.

(a)

As inserted by 34 of 1956.

Garages	Petrol and oils and requisites for motor vehicles to enable such to continue journeys only.	Daily.	All hours.
Refreshment Shops comprising Tea-rooms, Restaurants and Eating-houses.	Meals or refreshments to be consumed on the premises; fresh fruit and sweets, bread, tobacco and matches.	Daily except Sundays and holidays	6a.m. to 7a.m. and 5 p.m. to 11.30 p.m.
		Sundays and holidays.	8 a.m. to 9 p.m.

[Amended P.55/1962; A.8/1970]

- (2) Nothing in this Act shall apply—
- (a) to any bazaar or sale of work for a charitable or other purpose from which no private profit is derived, nor to hawking or peddling of newspapers, nor to the business of an undertaker nor to the sale by a *bona fide* farmer or market gardener on any land occupied by him for farming purposes of any produce raised by him on that land nor to the hawking or peddling of such produce by such persons;
 - (b) to the sale before midnight of programmes, catalogues or refreshments at any theatre, concert hall or other place of amusement during any performance;
 - (c) to the sale of newspapers;
 - (d) to any shop situate in a market duly established by a local authority at any place within its urban area.

[Amended A.8/1970]

5. Trading on certain Sundays and holidays

Notwithstanding anything in this Act—

- (a) in the event of any Sunday immediately preceding a holiday, or in the event of one holiday immediately succeeding another, it shall be lawful for bakers and butchers to keep open their shops and to sell thereat and deliver therefrom bread, meat and fish until ten o'clock in the morning on the second of the two consecutive days;
- (b) no shop shall be required to observe the early closing day immediately preceding Christmas and New Year.

6. Penalties

Any person who contravenes section 3 or 4 shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred rand or in default of payment thereof to imprisonment for a period not exceeding three months, or to both such fine and such imprisonment.

[Amended A.8/1970]