

THE SHOPS AND OFFICES ACT

REGULATIONS
(*under section 5*)

The Shops Regulations, 1961

L N 47A/90
351/67
416/67
108/72
461/73
Act 15/2014

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THE SHOPS REGULATIONS, 1961

*(Made by the Minister on the 25th day of April, 1961)**[15th May, 1961]*

L N 76/61
Amds
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 416/67
 108/72
 461/73
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 Short Title

1. These Regulations may be cited as the Shops Regulations, 1961.

2.—(1) In these Regulations—

Inter-
 pretation

“Airport shop” means any shop within the terminal area of the Sangster International Airport or the Norman Manley International Airport;

“Christmas shopping season” means the period commencing on the second day of December and ending on the twenty-fourth day of December, in each year;

“normal wages” means the remuneration payable to any person in or about the business of a shop, including deductions permitted by section 4 of the Act and excluding—

- (a) any overtime wages which such person is entitled to receive by virtue of the provisions of regulation 9; and
- (b) any overtime wages paid to such person under the Minimum Wage Act;

“period of a natural disaster” means a period beginning on such day as the Minister may by order specify, being the day on which any earthquake, fire, flood, hurricane or other natural disaster occurs or threatens, and ending on such day as the Minister may by order specify;

“registered as a pharmacy” means registered as a pharmacy under section 11 of the Pharmacy Act;

“tourist ship” means any vessel declared by the Minister to be a tourist ship in a notice published at least four days prior to the arrival of such vessel at a port in Jamaica in a daily newspaper printed and circulating in Jamaica;

“week” means the period commencing immediately after twelve o’clock midnight on each Saturday and ending at twelve o’clock midnight on the Saturday next following;

“wholesale shop” means any shop in which goods are sold by wholesale or by both wholesale and retail.

(2) Nothing in these Regulations shall be construed as permitting the opening of any shop or the transaction of any business therein at any time at which, or in any circumstance in which, the opening of such shop or the transaction of such business therein is expressly prohibited by any enactment.

Application

3. These Regulations shall not apply to shops that are premises of a class declared under section 3 of the Act to be a shop.

Shop open without restriction as to hours
Restriction as to duration of daily employment

4. Shops may be open on any day without restriction as to hours.

5. No person shall be employed in or about the business of any shop for more than twelve hours in any day.

6. [Deleted by Act 15 of 2014 Sch.]

7. [Deleted by Act 15 of 2014 Sch.]

8. [Deleted by Act 15 of 2014 Sch.]

Overtime wages

9.—(1) Every person employed—

(a) in or about the business of any shop on a public general holiday;
or

(b) during any period in excess of forty hours in any week,

shall be entitled to be paid overtime wages for the period during which he is so employed.

(2) The hourly rates of overtime wages shall be in respect of employment—

(a) in any shop other than an airport shop or a shop registered as a pharmacy—

(i) during the period of a natural disaster; or

(ii) for a period that is in excess of forty hours in any week,

one and one-half times the hourly equivalent of the normal wages payable to the person so employed during the week in which he was so employed,

- (b) in any shop on a public general holiday when a tourist ship is in the port of the district, village or town in which such shop is situated, twice the hourly equivalent of the normal wages payable to the person so employed during the week in which he so employed, or
- (c) in any shop in any circumstances specified in paragraph (1) other than circumstances in respect of which overtime rates are specified in sub-paragraphs (a) and (b), twice the hourly equivalent of the normal wages payable to the person so employed during the week in which he was so employed

(3) Where normal wages are not payable to any person during any week in which he is entitled to be paid overtime wages under these Regulations, then, for the purpose of calculating such overtime wages—

- (a) the last normal wages payable to him before he became entitled to such overtime wages; or
- (b) if normal wages were never payable to him, or if it is impracticable to use the normal wages prescribed in sub-paragraph (a) as a basis for calculating such overtime wages, the normal wages payable during that week to any other person working in the same category as himself, either in the same shop or in any other shop in the same parish, district, village or town,

shall be deemed to be the normal wages payable to him during that week.

(4) Any amount paid to any person as overtime wages under the Minimum Wage Act for a period for which that person is entitled to be paid overtime wages under this regulation shall be taken into account as overtime wages for the purposes of this regulation

10. Every person employed in or about the business of any shop shall be allowed—

Meat
intervals

- (a) a luncheon interval of not less than three-quarters of an hour during the period between half-past eleven o'clock in the morning and two o'clock in the afternoon on any day on which his hours of employment include the whole of that period;
- (b) a supper interval of not less than half an hour during the period between four o'clock in the afternoon and seven o'clock in the evening on any day on which his hours of employment include that period and end not later than ten o'clock in the evening;

- (c) a dinner interval of not less than three-quarters of an hour during the period between eight o'clock in the evening and ten o'clock in the evening on any day on which his hours of employment include that period and end later than ten o'clock in the evening.

Records

11. The occupier of every shop shall keep a record for each week showing, in respect of every person employed in or about the business of such shop—

- (a) the period of employment in each day;
- (b) the number of hours of employment for that week;
- (c) the times at which intervals for meals were allowed and the duration of each interval;
- (d) the normal wages paid for that week;
- (e) the overtime wages paid for employment during that week.

Seats

12.—(1) The occupier of every shop in which persons are employed shall—

- (a) provide behind the counter or in such other position as may be suitable for the use of such persons, at least two seats in proportion to every three persons employed therein;
- (b) exhibit and keep exhibited in a conspicuous place in such shop a notice stating that such seats are provided in accordance with the requirements of these Regulations for the use of persons employed therein.

(2) Any person who fails to comply with the requirements of this regulation shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding fifty dollars and in default of payment to imprisonment with hard labour for a term not exceeding three months.

FIRST SCHEDULE

[Deleted by Act 15 of 2014, Sch.]

SECOND SCHEDULE

[Deleted by Act 15 of 2014, Sch.]