



BELIZE

**SHOPS ACT
CHAPTER 287**

REVISED EDITION 2000
SHOWING THE LAW AS AT 31ST DECEMBER, 2000

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Laws of Belize, Revised Edition 1980 - 1990.

This edition contains a consolidation of the following laws-

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ARRANGEMENT OF SECTIONS

3

SHOPS ACT

6

Amendments in force as at 31st December, 2000.



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CHAPTER 287

SHOPS

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CHAPTER 287**SHOPS**

[10th October, 1959]

PART I*Preliminary*

Short title. 1. This Act may be cited as the Shops Act.

Interpretation. 2. In this Act, unless the context otherwise requires:-

“Christmas period” means the nine working days immediately preceding Christmas Day;

“Labour Commissioner” means the person for the time being in charge of the Labour Department;

“member of the occupier’s family” means the occupier’s child, father, mother, brother, sister, wife or husband (as the case may be) and includes any person who is maintained by, and resides with, the occupier;

“occupier” means the owner of the business carried on in any shop, and includes any person for the time being having immediate control over any shop;

CAP. 289. “public holiday” has the same meaning as it has in the Holidays Act.

“shop” includes any building or portion of building premises or place where any wholesale or retail trade or business is carried on or transacted and includes any premises in which the business of a barber or hairdresser is carried on:

Provided that the term “shop” shall not include a factory, a public market or a bazaar, or any public entertainment or performance lawfully held for charitable, religious or public purposes and not for private gain;

“shop assistant” means any person, other than a member of the occupier’s family, wholly or mainly employed in or about a shop in connection with the service of customers or the receipt of orders or moneys or the receipt or dispatch of goods and includes apprentices, learners and clerical workers employed wholly or mainly in connection with the service of customers:

Provided that no person employed solely as a caretaker, watchman, craftsman, or domestic servant, other than a servant engaged in the catering trade, shall be regarded as a shop assistant for the purposes of this Act;

“week” means the period between midnight on Saturday night and midnight on the succeeding Saturday night.

PART II

Employment of Shop Assistants

3.-(1) No person under the age of fourteen years shall be employed in or about any shop. Age of shop assistant.

(2) Any person acting in contravention of this section commits an offence.

4.-(1) Except as is otherwise provided in this Act, no occupier shall employ a shop assistant in or about a shop:- Restriction on working hours.

(a) on Sundays and public holidays; or

(b) for a period exceeding eight hours in any day, or forty-five hours in the aggregate in any week; or

- (c) for more than six days in any week; or
- (d) continuously for more than five hours without an interval from work of at least one hour; or
- (e) in contravention of subsection (3):

Provided that this subsection shall not apply during the Christmas period when shop assistants may be employed in accordance with the provisions of section 11.

(2) Paragraph (a) of subsection (1) shall not apply to a shop assistant employed in or about a shop referred to in section 8 (2) (d) and (e).

40 of 1963.

(3) The Minister shall by Order published in the *Gazette* specify two week days for each town or area to which this Act applies, and a shop assistant, who has been employed in or about a shop on the first named of such days after half-past one o'clock in the afternoon, shall not in the same week be so employed after that hour on the second named of such days.

(4) Any occupier who fails to comply with this section commits an offence.

Overtime
employment.

5.-(1) Notwithstanding section 4 (1) (a) and (b) and (3), a shop assistant may be employed in or about a shop-

- (a) on a Sunday or a public holiday for a period not exceeding eight hours;
- (b) after half-past one o'clock on a day specified under section 4 (3) for a period not exceeding four hours, notwithstanding that he has already been employed in the same week after that hour on the other of such specified days; and

- (c) on any other day of the week for more than eight hours but not exceeding ten hours:

Provided that additional employment under paragraph (b) and (c) of this subsection-

- (i) shall not exceed twelve hours in the aggregate in any week; and
- (ii) in the case of female shop assistants and persons under the age of eighteen years, shall not exceed twenty-four hours in the aggregate in any month; and
- (iii) shall not permit a shop assistant to be employed for more than six days in any week.

(2) Any shop assistant employed for additional periods in accordance with the provisions of subsection (1) shall be deemed to have been employed beyond his normal working hours, and shall be paid for such employment at the overtime rates contained in section 6:

Provided that a shop assistant who is employed in or about a shop referred to in section 8 (2) (d) and (e), on a Sunday or on a public holiday shall not be deemed to have been employed beyond his normal working hours, unless he has been employed for more than eight hours on such a day, or for more than forty-five hours in the same week.

(3) Where a shop assistant has been employed in or about a shop on any day for more than six hours before seven o'clock in the evening of that day, such a shop assistant shall not be further employed on that day after seven o'clock in the evening, unless he is paid for such further employment at the rates contained in section 6.

(4) Any additional sum paid in accordance with subsection (3) shall not be taken into account in determining the normal hourly rate of a shop assistant under section 6 (2).

Overtime rates.
1 of 1979.

6.-(1) Every shop assistant shall be paid, for all overtime worked by him, in addition to his normal wages, a sum equal to half as much again as his normal hourly rate of wages, for each hour or part of an hour of overtime worked by him. Such rate shall not be less than ninety-four cents per hour.

(2) The normal hourly rate of wages of a shop assistant shall be determined as follows:-

- (a) if the shop assistant is paid a weekly wage, by dividing such wage by his normal weekly hours;
- (b) if the shop assistant is paid a monthly wage, by multiplying such monthly wage by twelve and dividing the product by fifty-two and again by his normal weekly hours.

1 of 1979.

(3) Non-payment for overtime to any shop assistant shall be an offence against this Act.

Part-time
employment.

7.-(1) An occupier may employ a part-time shop assistant in or about a shop-

- (a) after half-past one o'clock in the afternoon on any of the weekdays specified under section 4 (3); and
- (b) between the hours of seven o'clock and ten o'clock in the evening of every day of the week (except on Sundays and on public holidays):

Provided that a part-time shop assistant shall not be so employed if he has, to the knowledge of the occupier, been previously employed during the same

week in another shop.

(2) Such part-time employment shall not exceed eighteen hours in any week.

(3) A rate of not less than ninety-four cents per hour shall be paid to every part-time shop assistant employed in accordance with paragraph (b) of subsection (1). 1 of 1979.

(4) For the purposes of this section, a part-time shop assistant means a shop assistant who is not employed in or about a shop for more than eighteen hours in any week.

(5) Paragraphs (a) and (b) of subsection (1) shall not apply to part-time shop assistants employed in or about the premises referred to in section 8 (2). 1 of 1979.

(6) Any occupier who-

- (a) employs a part-time shop assistant knowing him to have been previously employed during the same week in another shop; or
- (b) employs a part-time shop assistant otherwise than in accordance with the provisions of this section,

commits an offence.

PART III

Hours of Opening and Closing

8.-(1) Save as otherwise provided in this Act, no shop shall be open for the serving of customers except between the hours of six o'clock in the morning and nine o'clock in the evening on any one day: Hours of opening and closing. 2 of 1964.

Provided that nothing in this section shall prevent the serving, within half an hour after the closing hour, of any customer who was in a shop before the closing hour.

(2) Nothing in this section shall extend to-

- CAP. 150. (a) an hotel or a boarding house; or
- (b) premises licenced under the Intoxicating Liquor Licensing Act:

Provided that only liquor or spirituous liquors, as defined in that Act, are offered for sale therein; or

- CAP. 312. (c) the premises of a club registered under the Clubs (Registration) Act; or
- (d) any shop that is kept open solely for the purpose of the sale of-
- (i) medicines or drugs or medical or surgical appliances; or
- (ii) motor spirits and lubricants by retail; or
- (iii) refreshment for consumption on the premises, food cooked on the premises, bread and cakes, fresh meat, fresh fish, fresh fruit, fresh vegetables, milk, eggs, ice, ices, ice cream, all kinds of non-alcoholic drinks, shaved or crushed ice with syrup or flavouring, confectionery, sweets, peanuts, cigarettes, cigars, tobacco and matches; or
- (iv) any newspaper or periodical;

(e) barbers' shops and hairdressers' shops.

(3) Any person who contravenes the provisions of this section commits an offence.

9.-(1) No shop shall be open for the serving of customers-

Sales on
Sundays, etc.

(a) on Sundays, except the premises referred to in section 8 (2) (a), (c) and (d), and up to noon, the premises referred to in section 8 (2) (e);

(b) on any public or bank holiday after nine o'clock in the morning, except the premises referred to in section 8 (2).

(2) Nothing in this section shall affect the provisions of the Intoxicating Liquor Licensing Act.

CAP. 150.

(3) Any person who contravenes this section commits an offence.

10. Nothing in section 8 (1) or in section 9 shall render any person liable to any penalty for selling-

When penalty
not to be
invoked.

(a) any article required for immediate use by reason of any emergency arising from sickness, ailment or death of any person or animal; or

(b) goods of any description required for the use of any ship or aircraft about to leave Belize:

Provided that the seller thereof has reasonable grounds for believing such articles or goods to be required for any of the purposes in this section mentioned.

Christmas period,
opening and
employment.
First Schedule.

11. Notwithstanding sections 4, 5, 6, 7, 8 and 9, the hours of opening and closing of shops and the hours of employment of shop assistants, during the Christmas period may be varied in accordance with the provisions of the First Schedule.

PART IV

Annual Holidays

Holidays.
1 of 1979.

12. Every shop assistant shall be granted not less than two weeks holiday on full pay in respect of each completed year of service.

Absence from
work.

13. Time spent by any shop assistant in absence from his employment without the consent of his employer shall not be counted when any completed period of service is calculated:

Provided that time spent by any shop assistant in absence from his employment through-

1 of 1979.

(a) illness (not exceeding sixteen working days in any year of service), certified by a registered medical practitioner to necessitate absence from work;

CAP. 303.

(b) accident for which compensation is payable under the Workmen's Compensation Act or any Act amending or replacing such Act; and

(c) service on any jury,

shall be counted when any such completed period of service is calculated.

Public holidays.

14. Where any public holiday occurs during any period of annual holiday taken by a shop assistant, the period of the holiday shall be increased by one day in respect of each such public holiday.

15. Any shop assistant whose service is terminated for any reason shall be paid one-sixth of his weekly wages for every month of service completed either-

Termination of employment.

- (a) since the completion of the last annual holiday; or
- (b) since his engagement in that shop, if he has not completed a year of service.

16. The occupier of any shop who refuses, neglects, or omits to make proper arrangements for the carrying out of the provisions of this Part or to pay any money due hereunder, whereby a breach of the said provisions is occasioned, commits an offence.

Failure to arrange for holidays.

PART V

Miscellaneous

17.-(1) The occupier of every shop in which female shop assistants are employed shall at all times provide and keep-

Seating and sanitary accommodation.

- (a) chairs or other suitable accommodation behind the counter or in such other position as may be suitable for the purpose for the sole use of such female shop assistants in the proportion of not less than one chair or other seating accommodation to every three females employed and shall permit them to make use of such chairs or other seating accommodation when they are not necessarily engaged in the work or duty for which they are employed; and
- (b) sufficient and suitable accommodation in the way of sanitary conveniences, regard being had to the number of females employed in the shop.

(2) Every occupier of any shop who fails to comply with this section commits an offence.

Different shops.

18.-(1) Where in any shop different trades or businesses are conducted for which different hours of opening and closing are prescribed, such shop shall be opened at the latest hour and closed at the earliest hour prescribed for any such trade or business unless some means are provided, to the satisfaction of the Commissioner of Police, for the permanent partition or division of the premises into separate and distinct shops for each such trade and business being carried on therein so as to ensure the effective closing, in accordance with the provisions of this Act, of each of the said divisions of the whole premises used in carrying on each of such trades or business at the proper time.

(2) Where, under subsection (1) or under any other provision of this Act, a shop is authorised to be kept open for the purposes of certain transactions alone, no person shall sell or purchase, or cause to be sold or purchased, any article other than one for the sale of which the shop is authorised to be kept open.

(3) Every person who contravenes subsection (2) commits an offence and shall be liable on summary conviction to a fine not exceeding two hundred dollars.

Places other than shops.

19.-(1) No person, other than a licensed pedlar or a pedlar who is not required by law to be licensed, shall sell or attempt to sell any goods at any time when it is not lawful for a shop to be open for the serving of customers with goods of a like description.

(2) Any person who contravenes subsection (1) commits an offence and any goods in respect of which there is reason to believe that an offence has been committed may be seized by a police officer and such goods shall be liable to forfeiture and, if forfeited, shall be disposed of as the court may direct.

Liability of occupier.

20. The occupier of a shop shall be liable for a breach of the provisions

of this Act by any member of his family or by any person employed by him or over whom he has control or for whom he is responsible or who acts for him or on his behalf.

21. In any prosecution against the occupier of a shop for the breach of any of the provisions of this Act relating to shop assistants, if the occupier claims that the person alleged to be a shop assistant is not a shop assistant, the onus of proving that such person is not a shop assistant shall be on the occupier of the shop. Onus of proof in certain cases.

22. Every occupier who knowingly employs a shop assistant who is employed in any other shop, so that the combined periods of such employment exceed the total working hours allowed by this Act or by any rule made thereunder, commits an offence. Employment in two or more shops.

23.-(1) The Commissioner of Police shall enforce or cause to be enforced the provisions of this Act relating to the hours of opening and closing of shops and prohibited sales. Enforcement.

(2) The Director of Health Services appointed under the Public Health Act shall enforce or cause to be enforced the provisions of section 17 (which relate to sanitary accommodation) and any Health Officer or other officer or person employed for the purpose of carrying out the provisions of this Act shall for the purposes of his powers and duties have, in relation to shops, all the powers conferred on such officers by section 205 of that Act. CAP. 40.

(3) The Labour Commissioner shall enforce or cause to be enforced the provisions of this Act relating to shop assistants and their hours of work and any labour inspector may appear as a prosecutor for and on behalf of the Labour Commissioner.

24.-(1) The Labour Commissioner or any labour inspector or any police officer may, for the purpose of preventing or detecting any violation of the provisions of this Act or the rules made thereunder, at all times enter on any premises used Entry on premises.

as a shop within the meaning of this Act.

(2) Every person who refuses or fails to admit or wilfully obstructs the entry of the Labour Commissioner, any labour inspector or any police officer commits an offence.

Name and
address of person
found on shop
premises to be
given to certain
officers.

42 of 1999.

25.-(1) The Labour Commissioner or any labour inspector or any police officer may demand the name and address of any person found in any shop during the period during which it is required to be closed, and, if he has reasonable ground to suppose that the name or address given is false, may require evidence of the correctness of such name and address, and if such person fails upon such demand to give his name or address, or evidence of the correctness of the name or address so given, a member of the Belize Police Department may apprehend him without warrant, and carry him as soon as practicable before a magistrate.

(2) Any person required by the Labour Commissioner or any labour inspector or any police officer under this section to give his name and address, who fails to give the same, or gives a false name or address, or gives false evidence with respect to such name or address, commits an offence and is liable on summary conviction to a fine not exceeding one hundred dollars.

Notice of “open-
ing hours.”

26.-(1) The occupier of every shop carrying on business shall, on the commencement of business, affix and keep in or on such shop in a conspicuous place, so as to be visible to the public at all times, a notice specifying the hours of opening and the hours of closing of such shop on every business day.

(2) Any occupier who fails or neglects to comply with the requirements of subsection (1) above commits an offence and shall be liable on summary conviction to a fine of five hundred dollars or to imprisonment for a period not exceeding one month.

Records.

27.-(1) The occupier of every shop shall exhibit or cause to be exhibited, in such a manner that it may be readily seen and read by every shop assistant

employed in the shop, a notice showing in a manner satisfactory to the Labour Commissioner, the working hours of every such shop assistant.

(2) The occupier of every shop shall keep or cause to be kept an “Overtime Register” in which shall be recorded, in respect of every shop assistant employed in the shop, the details specified in the Second Schedule.

Second
Schedule.

(3) The occupier of every shop shall keep or cause to be kept an “Annual Holidays Register”, in which shall be recorded, in respect of every shop assistant employed in the shop, the details specified in the Third Schedule.

Third Schedule.

(4) The occupier of every shop shall keep a “Register of Hours of Work” and shall ensure that each shop assistant daily records therein the time at which he commences to work and the time at which he ceases to work.

2 of 1964.

(5) The occupier shall keep the Overtime Register and Annual Holidays Register up to date, shall keep them on the premises of the shop and shall produce them on request for inspection by the Labour Commissioner or any labour inspector.

(6) Any occupier who fails or neglects to comply with the provisions of this section commits an offence.

28. Any person who, with intent to deceive, makes or causes or allows to be made in any Register or notice specified in section 27 an entry which is to his knowledge false in any material particular or wilfully omits or causes or allows to be omitted from any such Register or notice an entry required to be made therein commits an offence.

False entries in
registers.

29.-(1) The Minister may make rules-

Rules.
40 of 1963.

(a) varying from time to time for specified periods or for any particular occasion or occasions the number of working hours of shop assistants or the hours of opening or closing of all or

any shops as prescribed by this Act;

Second and Third
Schedules.

- (b) altering or amending the Second and the Third Schedules to this Act; and
- (c) generally for carrying the purposes or provisions of this Act into effect.

(2) All rules made under this Act shall be subject to negative resolution.

Contracting out.

30. Any contract or agreement, whether made before or after the coming into force of this Act, whereby the rights under this Act of any person employed in any shop are in any way modified or affected or whereby any liability imposed by this Act on the occupier of any shop is in any way modified or reduced, shall be void and of no effect in so far as it purports to affect or modify any such rights or to remove or to reduce any such liability.

Penalties.

31.-(1) Every person who commits an offence against this Act for which no penalty is expressly provided, commits an offence and liable to a fine not exceeding two hundred and fifty dollars to be recovered on summary conviction on the complaint of any person.

(2) Any complaint under this Act shall be preferred within six months of the commission of the offence complained of.

(3) Where a person has been convicted under this Act for neglecting or refusing to pay any money due from him to a shop assistant, the court may in addition to any other penalty, adjudge that person to pay such sum as in the opinion of the court represents the amount due to the shop assistant and the amount so awarded shall be regarded and dealt with in all respects as if it were a judgement of a district court under the District Courts (Procedure) Act.

CAP. 97.

Application and
saving.

32.-(1) The provisions of this Act and any subsidiary legislation made hereunder shall apply to shops in all the areas of Belize.

(2) The Shop Assistants (Weekly Half-Holiday) Order, 1949, and the Shop Assistants (Weekly Half-Holiday) (Amendment) Order, 1949, shall be deemed to have been made under section 4 (2), and shall continue in force until other provision shall be made under this Act.

S.I. 36/49.
S.I. 55/49.

33. Without prejudice to the powers conferred upon the Labour Commissioner pursuant to section 23 (3) above, if there is any inconsistency between the provisions of this Act and the provisions of the Labour Act relating to shop assistants, their hours of work and other conditions of service, or where this Act is silent in respect of any related labour matters, the provisions of the Labour Act shall apply.

In case of
inconsistency,
etc., Labour Act
to apply.
CAP. 297.
CAP. 297.

FIRST SCHEDULE

[Section 11]

*Hours of Opening and Employment During The
Christmas Period*1. *Variation of opening hours:*

All shops may be kept open for the serving of customers between the hours of six o'clock in the morning and ten o'clock in the evening during the Christmas period except on a Sunday.

2. *Variation of hours of employment:*

A shop assistant may be employed in any shop during the hours between which shops may be kept open as mentioned in paragraph 1 provided that-

- (a) no shop assistant shall be employed continuously for more than five hours without an interval from work of at least one hour;
- (b) if any shop assistant is employed in excess of eight hours a day or forty-five hours a week he shall be paid overtime in respect of each hour or part of an hour during which he is so employed;
- (c) if any shop assistant is employed after 1.30 p.m. on the second of the two week days specified under the provisions of section 4 (2) and such assistant has already been employed in that week on the first of such week days so specified he shall be paid overtime in respect of each hour or part of an hour during which he is so employed on such second week day.

3. *Overtime:*

Overtime shall be paid at the rate specified in section 7 (3). The hourly rate of wages shall be calculated in accordance with section 7 (4).

SECOND SCHEDULE

[Section 27 (2)]

The Overtime Register shall show the following details in respect of every shop assistant-

- (a) name and address;
- (b) normal daily and weekly hours of work;
- (c) rate of remuneration;
- (d) date, time and duration of any work done in overtime;
- (e) payment made for any work done in overtime; and
- (f) signature of shop assistant.

THIRD SCHEDULE

[Section 27 (3)]

The Annual Holidays Register shall be kept in the form and shall show in respect of every shop assistant the details set out below-

REGISTER OF HOLIDAYS

Record of Holidays with Pay, 20.....

<i>Name of Assistant</i>	<i>Address of assistant</i>	<i>Date of engagement</i>	<i>Date of periods of holidays with pay</i>		<i>Remuneration paid in respect of holidays under Col. (4)</i>	<i>Date of termination of engagement</i>	<i>Number of holidays with pay accrued but not taken at date of termination</i>	<i>Amount paid in lieu of accrued holidays as per Col. (7)</i>	<i>Signature of assistant</i>
			<i>Date</i>	<i>Number of days</i>					