



SHOP HOURS ACT, 1921.

REGULATIONS MADE BY THE GOVERNOR.

In pursuance of the powers conferred on me by section 15 of the Shop Hours Act, 1921, I hereby make the following regulations :—

CLOSING ORDERS.

1. As soon as may be after the local authority are satisfied that a prima facie case is made out for making a closing order in their district they shall cause a register to be prepared in the manner hereinafter provided.

2. Notice of the intention of the local authority to make a closing order shall be given in the form marked A in the Schedule to these regulations, and unless a copy of the proposed Order be annexed to it, it shall specify the area within which and the class or classes of shops to which the Order will apply, and the proposed days and hours of closing. The notice shall

- (a) be advertised at least twice in a newspaper or newspapers circulating in the area to which the Order is to apply;
- (b) be posted up in streets and public places in the area to which the Order is to apply, in such positions and in such manner that it is likely to be seen and can easily be read by persons interested; and
- (c) be given to any ratepayer in the area making reasonable application for it.

If the Order applies to an area with a population of not more than 5,000, the local authority may, in lieu of advertising the notice in a newspaper or newspapers, cause a copy to be sent to the occupier of every shop known to be affected by the Order.

3. The prescribed period within which objections may be made to the proposed Order shall be four weeks.

ASCERTAINING OPINION OF OCCUPIERS OF SHOPS.

4. If the local authority, after considering any objections or suggestions received by them in pursuance of the notice of their intention to make an Order, desire to proceed with the Order, they shall, for the purpose of ascertaining

whether the occupiers of at least two thirds in number of the shops to be affected by the Order approve the Order, either take a vote in the manner hereinafter provided or, if they have received an application in writing for the making of the Order, purporting to be signed by the occupiers of at least two thirds of the shops to be affected by the Order, they may in lieu of taking a vote take such steps as they think fit to verify the signatures to the application, and signatures so verified shall, unless reason appear to the contrary, be taken to mean that the occupiers whose signatures they purport to be approve the Order.

CONFIRMATION BY TYNWALD.

5. When the local authority have made a Closing Order, a notice in the form marked C in the Schedule to these regulations shall be given in the manner above prescribed for the notice of intention to make an Order.

6. When the local authority have made a Closing Order they shall forthwith inform the Government Secretary of such Order and of the method adopted by them for ascertaining the opinion of occupiers of shops and shall forward to him copies of any notices given by them under these Regulations and other evidence that the Regulations have been duly complied with, verified by a certificate signed by their clerk, together with 40 copies of such Order for circulation among the members of Tynwald. The local authority shall also forward to the Government Secretary an application for approval of such Closing Order by Tynwald.

PREPARATION OF REGISTER.

7. (1) A register required to be prepared in pursuance of these Regulations shall show the addresses, trades and names of the occupiers of all the shops to be affected by the Order. In the case of a shop in which several trades or businesses are carried on, the local authority may require the occupier to specify, in pursuance of sub-section (3) of section 10 of the Act, which trade or business he considers to be his principal trade or business, and the local authority shall not insert the name of the occupier in the register in respect of any other trade or business carried on in the shop unless the occupier satisfies them that it forms a substantial part of the business carried on in the shop.

(2) Every occupier of a shop to be affected shall be entitled to attend within the times and at the place specified in the notices required to be given by these Regulations for the purpose of securing that the entries in the register with regard to his shop are duly made.

(3) Any occupier of a shop to be affected may represent to the local authority any matter, in regard to the Register, which seems to him to require to be rectified; and the local authority shall consider all such representations.

THE TAKING OF A VOTE.

8. If a local authority decide, or are required, to take a vote for the purpose of ascertaining the opinion of the occupiers of shops to be affected by a Closing Order, they shall proceed as follows :—

- (a) A notice, together with a voting paper, in the form marked I or in form marked B in the Schedule to these Regulations, as the case may be, shall be sent by post or otherwise delivered to every occupier whose name appears in the Register, at his registered address.
- (b) Voting papers shall be returned to the local authority either through the post or by a collector appointed in writing by them for the purpose, and carrying with him at the time of collection his written appointment which he shall show to any occupier who shall require it to be shown.

- (c) A voting paper shall be deemed to be duly signed if signed by the occupier with his full name or with the ordinary signature used for the purpose of his business: provided that, if any occupier is unable to write, he may, in the presence of some other person, who shall explain the effect of the voting paper, attach his mark thereto, and such mark shall be attested by such other person, who shall append his signature and address.
- (d) The local authority shall cause the voting papers, as soon as may be after the last day fixed for their return, to be scrutinised and compared with the Register, and the numbers respectively of the votes for and against the Order to be ascertained.

9. The making of an Order shall not be frustrated nor the Order invalidated by reason merely of any failure in the delivery of a notice or a voting paper to any person or to the local authority or of any other informality in complying with these Regulations.

10. When a Closing Order is confirmed by Tynwald, the local authority shall forthwith either cause to be advertised once in a newspaper, and to be posted up in streets and public places, in the area to which the Order applies a notice giving the terms of the Order as made or confirmed, or shall send such a notice to the occupier of every shop affected by the Order.

REVOCATION OF ORDERS.

11. Before applying to Tynwald to revoke a Closing Order, the local authority shall, for the purpose of ascertaining whether the occupiers of a majority of each of the several classes of shops affected by the revocation approve the revocation, follow, with the necessary modifications, the same procedure as is prescribed in the foregoing Regulations in regard to the making of such Orders.

12. When an Order is revoked in whole or in part by Tynwald, the local authority shall forthwith either cause to be advertised once in a newspaper, and to be posted up in streets and public places, in the area to which the Order applied a notice announcing such revocation or shall send such a notice to the occupier of every shop known to be affected by the revocation.

CERTIFICATE OF APPOINTMENT OF INSPECTOR.

13. The certificate of appointment with which an Inspector is required to be furnished shall be in the Form marked III in the Schedule to these Regulations.

14. Where any trade or business exempted from the provisions of the Act as to closing is carried on in the same shop with any trade or business not so exempted, the shop shall only be kept open for the purpose of the exempted trade or business on the following conditions:—

- (a) there shall be exhibited in some conspicuous places on the exterior and in the interior of the shop notices in letters of the size of not less than two inches in accordance with the form marked II in the Schedule to these Regulations.
- (b) so far as reasonably practicable no goods in connection with the trade or business not exempted shall be exhibited either inside or outside the shop.

SCHEDULE.

FORM I.

NOTICE FOR ASCERTAINING THE OPINION OF OCCUPIERS OF SHOPS ON PROPOSED ORDER BY TAKING A VOTE.

Notice is hereby given that the [local authority] propose to make the Order shown on the enclosed paper, provided they are satisfied that the occupiers of a majority of the shops to be affected by the Order approve the Order.

You are requested (1) to signify your opinion for or against the making of the Order by writing "Yes" or "No" on the enclosed voting paper in the space provided for the purpose; and (2) to return the paper by post to the [local authority] at the [local authority's] offices before the day of (or to hand the paper to the Collector appointed by the [local authority] for the purpose, who will call for it, and will show, on request, his written appointment) or to hand the paper to the person delivering it.

Dated this day of 192.

Clerk to the [local authority].

FORM OF VOTING PAPER (TO BE ENCLOSED WITH THE FOREGOING NOTICE).

SHOP HOURS ACT, 1921.

1. (Here insert terms of Draft Order).
2. Form for Votes [Borough] [Town] [Parish] or [Village].

	Write in the space below either "Yes" or "No."
Are you in favour of the making of the above Order?	

Signature.....

Address of Shop.....

Date.....

FORM II.

NOTICE TO BE AFFIXED IN SHOPS PARTIALLY EXEMPTED FROM CLOSING.

SHOP HOURS ACT, 1921. SECTION 10 (1).

This Shop is closed for to-day from _____ o'clock in the afternoon except for the trade or business of

FORM III.

FORM OF CERTIFICATE OF APPOINTMENT OF AN INSPECTOR UNDER THE SHOP HOURS ACT, 1921.

SHOP HOURS ACT, 1921.

I hereby certify that _____ has been appointed an Inspector for the purposes of the above-mentioned Act for the [Borough of Douglas] or [Town, Parish or Village District] of _____

(Signature)

[Mayor of the Borough of Douglas] or
[Chairman of the Commissioners of _____]

Dated this _____ day of _____ 192_____

FORM A.

NOTICE OF INTENTION TO MAKE A CLOSING ORDER.

SHOP HOURS ACT, 1921.

Notice is hereby given that the [local authority] propose to make a Closing Order for (specify class or classes of shops) in (specify the area) fixing the hours at which such shops shall be closed as follows :—

Any person wishing to make objection to the Order or suggestions as to the provisions of the Order should address a statement in writing to the Clerk to the [local authority] before the (date) next.

Notice is further given that the occupier of any shop to be affected by the Order may, on presenting himself at the [local authority's] offices between the hours of _____ and _____ on (any) day before the aforesaid date, verify that his name, address, and trade, are duly entered in the register of Shops.

Dated this _____ day of _____ 192_____

Clerk to the [local authority].

FORM B.

NOTICE FOR ASCERTAINING THE OPINION OF OCCUPIERS OF SHOPS ON
PROPOSED CLOSING ORDER BY TAKING A VOTE.

SHOP HOURS ACT, 1921.

Notice is hereby given that the [local authority] propose to make the Order shown on the enclosed voting paper, provided they are satisfied that the occupiers of two thirds of the shops to be affected by the Order approve the Order.

You are requested (1) to signify your opinion for or against the making of the Order by writing "Yes" or "No" on the enclosed Voting Paper in the space provided for the purpose; and (2) to return the paper by post to the [local authority] at the [local authority's] offices before the day of (or to hand the paper to a Collector appointed by the [local authority] for the purpose, who will call for it, and will show, on request, his written appointment) or to hand the paper to the person delivering it.

Dated this day of 192

Clerk to the [local authority].

FORM OF VOTING PAPER (TO BE ENCLOSED WITH THE FOREGOING NOTICE)

SHOP HOURS ACT, 1921.

1. (Here insert terms of Draft Order).
2. Form for Votes. [Borough] [Town] [Parish] or [Village District] of

	Write in the space below either "Yes" or "No."
Are you in favour of the making of the above Order?	

Signature.....

Address of Shop.....

Date.....

FORM C.

NOTICE OF MAKING OF ORDER.

 SHOP HOURS ACT, 1921.

Notice is hereby given that the [local authority] have made a Closing Order, of which a copy is annexed hereto, and have submitted the Order to Tynwald for confirmation.

A copy of the Order may be obtained by any person whom it may concern on application at (the offices of the local authority).

If any person desires to make any objections to the provisions of the Order he should address a written statement to the Government Secretary, Government Office, Douglas, within one month from the date hereof, i.e. before the day of 192

Dated this day of 192

Clerk to the [local authority].

Given at Government House this 12th day of July, 1921.

W. FRY, M.G.,
Lieutenant-Governor.

The foregoing Regulations were approved by Tynwald on the 12th July, 1921.