



Republic of Namibia  
Annotated Statutes

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## **Shop Hours Ordinance 15 of 1939**

(OG 796)

came into force on date of publication: 13 June 1939;  
title of Ordinance amended by Act 12 of 1986

**as amended by**

**Shop Hours Amendment Ordinance 4 of 1940 (OG 840)**

came into force on date of publication: 16 April 1940

**Shop Hours and Shop Assistants Amendment**

**Proclamation 34 of 1950 (OG 1530)**

came into force on date of publication: 15 July 1950

**Sunday Trading Amendment Proclamation 50 of 1950 (OG 1552)**

came into force on date of publication: 3 October 1950

**Shop Hours and Shop Assistants Amendment**

**Ordinance 10 of 1952 (OG 1687)**

came into force on date of publication: 9 June 1952

**Shop Hours and Shop Assistants Amendment**

**Ordinance 5 of 1957 (OG 2072)**

came into force on date of publication: 11 April 1957

**Shop Hours and Shop Assistants Further Amendment**

**Ordinance 39 of 1957 (OG 2092)**

came into force on date of publication: 24 June 1957;  
amended by Conditions of Employment Act 12 of 1986, which was  
brought into force on 1 July 1986 by AG Proc. 26 of 1986 (OG 5226)

**Shop Hours and Shop Assistants Amendment**

**Ordinance 4 of 1959 (OG 2185)**

came into force on date of publication: 28 March 1959;  
amended by Conditions of Employment Act 12 of 1986, which was  
brought into force on 1 July 1986 by AG Proc. 26 of 1986 (OG 5226)

**Conditions of Employment Act 12 of 1986 (OG 5221)**

brought into force on 1 July 1986 by AG Proc. 26 of 1986 (OG 5226);  
repealed by Labour Act 6 of 1992 (GG 388)

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## **ORDINANCE**

To amend and consolidate the law relating to shop hours, the hours of employment of shop assistants and other shop employees, and to make provision in regard to the wages payable to shop assistants, the general conditions of employment of shop assistants, and other matters incidental thereto.

**Shop Hours Ordinance 15 of 1939**

**The Act was repealed insofar as it relates to the working hours, wages and conditions of employment of shop assistants by Act 12 of 1986.**

*(Assented to 7<sup>h</sup> June 1939)  
(English text signed by the Administrator)*

**ARRANGEMENT OF SECTIONS**

**[The provisions of this Ordinance have no headings.]**

BE IT ORDAINED by the Legislative Assembly for the Territory of South West Africa, with the consent of the Governor-General, in so far as such consent is necessary, previously obtained and communicated to the Legislative Assembly by message from the Administrator in accordance with the provisions of section *twenty-six* of the South West Africa Constitution Act, 1925 (Act No. 42 of 1925), of the Parliament of the Union of South Africa, as follows:-

1. The laws specified in the first Schedule annexed hereto are hereby repealed.

2. “*Shop*” means any place set apart temporarily or permanently for the sale of movables by wholesale or retail and whether by auction or not and shall include a hairdresser’s or barber’s saloon, a cafe and refreshment room, and a daily public market, but shall not include any hotel or bar where intoxicating liquors are sold for consumption on the premises or any bottle store.

**[section 2 amended by Ord. 4 of 1959 and by Act 12 of 1986,  
which deletes the definitions of “Shop Assistant” and “Shop Inspector”]**

**2bis.**

**[section 2bis inserted by Ord. 10 of 1952 and deleted by Act 12 of 1986]**

CHAPTER I.

*Hours of opening and closing.*

3. (1) Save as hereinafter provided, the following shall be the earliest hours at which all shops shall be opened and the latest hours at which all shops shall be closed for serving customers within the area of any Municipality, Village Management Board or Township as established in terms of the Townships Ordinance 1928.

	Opening hours.	Closing hours.
Weekdays, except Saturdays:	8 a.m. 2.30 p.m.	1 p.m. 6 p.m.
Saturdays:	8 a.m.	1.30 p.m.

Provided that it is understood that any person may open later or close earlier than is herein stipulated.

Provided further that the aforesaid times of opening and closing shall not apply to the carrying on of any trade or business mentioned in the second Schedule annexed hereto.

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And provided further that it shall not be deemed to be a contravention of the provisions of this section for the owner or the person having the general management or control of a shop to supply a customer privately on a Saturday after half-past-one o'clock in the afternoon in cases of urgency.

**[subsection (1) amended by Ord. 4 of 1959]**

(2) The Administrator may, by notice in the *Official Gazette* alter or amend the opening and closing hours stipulated in sub-section (1) hereof, either generally or specially in regard to -

- (a) any particular district or area; and may extend the application of the said sub-section to any other district or area; or
- (b) any particular trade or business in any district or area.

**[subsection (2) substituted by Ord. 5 of 1957 and by Ord 4 of 1959]**

(3) Anything to the contrary in this section notwithstanding, it shall not be lawful for any person to keep his shop open between the hours of 12 o'clock (midnight) and 3 a.m. for the sale of goods; except

- (a) for the sale of motor spirit, motor oils and spare parts and other accessories for motor vehicles and water-raising appliances; and
- (b) with the written permission of the Magistrate of the district, for the sale of refreshments, ice and fodder.

4. Subject to the provisions of section five no shop within any area falling under the provisions of sub-section (1) of section three, or within four miles of the boundary or any such area, shall be kept open for serving customers on a public holiday; except

- (a) for the sale of fruit, tobacco, smoker's requisites, periodicals and newspapers during such hours as the shop might have been kept open if the day had not been a public holiday, and
- (b) in regard to the trades or businesses mentioned in the second Schedule annexed hereto.

5. The provisions of section three shall not apply to any chemist's and druggist's shop, provided that no chemist or druggist shall keep his premises open for the purpose of serving the general public:

- (a) later than 7 p.m. on Monday, Tuesday, Wednesday and Thursday, and later than 9 p.m. on Friday;
- (b) later than 1 p.m. on Saturday, on which day, however, the shop may be reopened from 6 p.m. to 7 p.m;
- (c) on Sundays and public holidays, except from 6 p.m. to 7 p.m.

It shall be lawful, however, for a chemist or druggist to supply medicines or medical or surgical appliances at any time in case of sickness or other emergency.

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6. Nothing in this Chapter contained shall apply to any fair or bazaar held for religious, charitable, educational, sporting or athletic purposes, from which no private profit is derived.

7. Nothing in this Chapter contained shall be deemed to affect the provisions of the Sunday Trading Proclamation 1919, or any amendment thereof.

Provided that it shall be lawful to sell in a shop on Sunday -

Flowers and floral decorations or articles required for funeral purposes.

**[section 7 amended by Proc. 50 of 1950]**

CHAPTER II.

*Hours of work of shop assistants.*

**[section 8 amended by Ord 4 of 1959; section 9 amended by Ord 4 of 1959; section 11bis inserted by Proc. 34 of 1950 and amended by Ord 4 of 1959; and then sections 8-11bis deleted by Act 12 of 1986 in so far as they relate to working hours, wages and conditions of employment of shop assistants]**

CHAPTER III.

*Wages and conditions of employment of shop assistants.*

**[sections 12-15 deleted by Act 12 of 1986 in so far as they relate to working hours, wages and conditions of employment of shop assistants]**

CHAPTER IV.

*General.*

**[sections 16-18 deleted by Act 12 of 1986 in so far as they relate to working hours, wages and conditions of employment of shop assistants; some of these general provisions apply to shop hours as well]**

16. (1) (a)

**[paragraph (a) as substituted by Ord 39 of 1957 deleted by Act 12 of 1986, which amends Ord 39 of 1957 to this effect]**

(b)

**[paragraph (b) as substituted by Ord 39 of 1957 deleted by Act 12 of 1986, which amends Ord 39 of 1957 to this effect]**

(c) Any Shop Inspector and any member of the police force may at any time during business hours enter any shop in order to ascertain whether the provisions of this Ordinance are being complied with, and for such purpose may question any person who is or has been upon or in the premises, in the presence or apart from others, and may require from any such person the production then and there, or at a time and place fixed by such Inspector or policeman as the case may be, of the registers required to be kept by the employer in terms of this Ordinance, and may examine and make extracts from and copies of such registers and may require an explanation of any entries in any such registers and may seize any such registers as in his opinion may afford evidence of any offence under this Ordinance. Any Shop Inspector or policeman may take with him into or onto any premises any interpreter or other assistant:

Provided that for the purposes of this paragraph any interpreter shall, while acting under lawful, personal direction of a Shop Inspector or policeman, as the case may be, be deemed to be a Shop Inspector.

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- (d) It shall be the duty of the police force to assist any Shop Inspector in carrying out his duties under this Ordinance and nothing in this section contained shall be deemed to derogate from any ordinary right of search or Inspection granted to any policeman by virtue of the provisions of any other law.

[subsection (1) substituted by Ord 39 of 1957]

- (2) Any person who prevents or obstructs any such Shop Inspector from entering any shop or carrying out his duties therein or refuses to furnish any reasonable information asked for by such Shop Inspector shall be guilty of an offence.

(3)

[subsection (3) deleted by Ord 39 of 1957]

17. Any person contravening any provision of this Ordinance shall be guilty of an offence, and where no penalty is specially provided shall be liable in the case of a first offence to a fine not exceeding twenty-five pounds or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment; in the case of a second offence to a fine not exceeding fifty pounds or to both such fine and such imprisonment; and in the case of a third or subsequent offence to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment.

18. The Administrator may make regulations and may provide penalties for the contravention of such regulations:

- (1) On any matter prescribed by this Ordinance to be made by regulation;
- (2) the manner in which the wages of shop assistant and other shop employees shall be paid;
- (3) generally for the furtherance of the objects or the better administration of this Ordinance.

19. This Ordinance shall be called the Shop Hours Ordinance, 1939.

[section 19 amended by Act 12 of 1986 to delete the words "and Shop Assistants" from the short title]

#### FIRST SCHEDULE.

##### Laws Repealed.

1. The Shop Hours Proclamation 1921 (Proclamation No. 9 of 1921), as amended from time to time.
2. The Half-Holiday Ordinance 1927 (Ordinance No. 8 of 1927), as amended from time to time.

#### SECOND SCHEDULE.

[Second Schedule amended by Ordinance 4 of 1940]

- (a) The business carried on at a restaurant, cafe, tearoom or eating-house.

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- (b) The sale of fresh fruit, vegetables, nuts, confectionery including sweets, fresh-cut flowers and other floral decorations.
- (c) The sale of tobacco, cigars, cigarettes, smoker's requisites, and newspapers published in the Territory or the Union of South Africa.
- (d) The sale of fish and of dairy produce.
- (e) The business carried on at a Railway bookstall.
- (f) The business carried on by an undertaker.
- (g) The sale of articles for funeral purposes.
- (h) The sale of ice and fodder.
- (i) The business carried on by a baker or butcher.
- (j) The sale of motor spirit, motor-oils, spare parts, and other accessories for motor vehicles and water-raising;
- (k) The business carried on by a duly licensed auctioneer.