



New South Wales

## Retail Leases Regulation 2022

under the

Retail Leases Act 1994

[*The following enacting formula will be included if this Regulation is made—*]

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Retail Leases Act 1994*.

Minister for Small Business

### Explanatory note

The objects of this Regulation are—

- (a) to prescribe businesses at premises as retail shops for the purposes of the *Retail Leases Act 1994*, and
- (b) to provide for transitional arrangements for premises that become retail shops, and
- (c) to make a consequential amendment to the *Retail Leases Act 1994*.

This Regulation is made under the *Retail Leases Act 1994*, including sections 3(1), definition of **retail shop**, paragraph (a), 84B(2) and 85, the general regulation-making power, and Schedule 3, clause 17(2).

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## Retail Leases Regulation 2022

under the

Retail Leases Act 1994

### 1 Name of Regulation

This Regulation is the *Retail Leases Regulation 2022*.

### 2 Commencement

This Regulation commences on 1 January 2023.

### 3 Definitions

In this Regulation—

*the Act* means the *Retail Leases Act 1994*.

**Note—** The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

### 4 Retail shop businesses—the Act, s 3(1)

For the Act, section 3(1), definition of *retail shop*, paragraph (a), the businesses specified in Schedule 1 are prescribed.

### 5 Transitional provision—the Act, s 84B(2)

If premises become a retail shop because of the commencement of this Regulation, the Act, Part 8, Division 2 applies to—

- (a) a lease of the premises entered into before the commencement of this Regulation, and
- (b) a lease of the premises entered into under an option granted or agreement made before the commencement of this Regulation.

## **Schedule 1     Retail shop businesses**

section 4

Adult books and toy shops  
Aged care product shops  
Amusement and entertainment services  
Antique shops  
Art galleries  
Art supplies shops  
Arts and crafts shops  
Baby supplies shops  
Bakeries or bread shops  
Balloon shops  
Bar accessories shops  
Barbecue equipment shops  
Barbers  
Batteries shops, other than motor vehicle batteries  
Beach wear shops  
Beauticians  
Beauty shops  
Beauty therapists  
Beer, wine and spirit shops  
Bicycle accessories shops  
Bicycle shops  
Biscuit bar shops  
Bookshops  
Boot and shoe repairers  
Bridal wear sales and hire shops  
Building supplies shops  
Business machines and equipment shops  
Butcher shops  
Cake shops  
Camping equipment shops  
Candle shops  
Cards shops  
Carpet shops  
Chandler shops

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Retail Leases Regulation 2022 [NSW]  
Schedule 1 Retail shop businesses

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Cigarette shops  
Clock shops  
Coffee, tea and other non-alcoholic beverage shops  
Coins and coin collections shops  
Comic shops  
Confectionery shops  
Convenience food shops  
Cookie shops  
Cosmetics shops  
Costumes and formal wear hire shops  
Curtain shops  
Delicatessen shops  
Department stores  
Dinnerware shops  
Disposals shops  
Drapery shops  
Dry cleaners, collection centres for dry cleaning or laundry services  
Duty free shops  
Electrical appliance shops  
Electronic equipment and supplies shops  
Engravers  
Equestrian wear shops  
Equipment hire shops  
Fairy shops  
Fast food shops  
Fast-photo processors  
Firearms shops  
Flag shops  
Floor covering shops  
Florist shops  
Flower shops or allied goods and services  
Fruit and vegetable shops  
Fruit juice shops  
Funerary goods shops, including incense and joss sticks  
Furniture shops  
Games and hobbies shops  
General stores

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Retail Leases Regulation 2022 [NSW]  
Schedule 1 Retail shop businesses

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Gift shops  
Gift-wrapping shops  
Golf equipment shops  
Greengrocer shops  
Grocery shops  
Gymnasiums and fitness centres, including yoga, barre, pilates and dance studios  
Haberdashery shops  
Hairdressers  
Hardware shops  
Health food shops  
Hearing aid shops  
Hot water system shops  
Household appliance and house appliance repairs shops  
Household fixtures and fittings shops  
Ice cream shops  
Interior decoration shops  
Internet cafes  
Jewellery shops  
Key cutting shops  
Kitchenware shops  
Knick-knack shops and novelties shops  
Leather goods shops  
Lighting shops  
Linen shops  
Lingerie shops  
Lottery agencies  
Manchester shops  
Map shops  
Martial arts supplies shops  
Mixed business shops  
Motor vehicle and motor cycle accessories shops, excluding tyre shops and batteries shops  
Music or musical equipment shops  
Nail bars  
Newsagency shops  
Nut bar shops  
Office equipment shops  
Optical goods or services shops

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Retail Leases Regulation 2022 [NSW]  
Schedule 1 Retail shop businesses

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Optometrists

Organ shops

Paint and paper shops

Party shops

Patisserie or pastry shops

Pawnbroking shops

Perfume shops

Pet shops, pet grooming and supplies shops and aquarium shops

Pharmacy shops

Photocopy shops

Photographic equipment and supplies shops

Picture frames shops

Plumbing supplies shops

Pools and spas shops

Poultry shops, including fresh, frozen or cooked poultry

Precious stones shops

Prints and posters shops

Religious goods shops

Restaurants, cafeterias, coffee lounges, food courts and other eating places

Retail post offices

Rubber stamp supply shops

Seafood shops

Second-hand goods shops

Sewing machine shops, including sewing materials, needlepoint and craft-related items

Shoe and boot repair shops

Shoe shops

Shops selling or engaged in providing any one or more of the following goods or services in relation to any person—

- (a) accessories,
- (b) baby wear,
- (c) bags,
- (d) caps,
- (e) clothing,
- (f) clothing alterations,
- (g) underwear,
- (h) sunshades

Shops selling or renting any one or more of the following goods—

- (a) cassettes,

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Retail Leases Regulation 2022 [NSW]  
Schedule 1 Retail shop businesses

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- (b) musical instruments,
- (c) pre-recorded tapes,
- (d) records,
- (e) video tape and pre-recorded music libraries downloading,
- (f) CDs,
- (g) DVDs,
- (h) other similar products

Shops selling or renting any one or more of the following goods—

- (a) telecommunications, including mobile phones or services,
- (b) televisions,
- (c) videos,
- (d) home entertainment systems,
- (e) software,
- (f) electronic games,
- (g) computers,
- (h) computer products,
- (i) household appliances

Silverware shops

Sleepwear shops

Small bars with a maximum patron capacity of 120

Smallgoods shops

Snack bars

Soft drink shops

Soft furnishing shops

Souvenir, trophy and memorabilia shops

Specialised food shops

Sporting goods shops

Stamps and stamp collection shops, whether for purchase or sale or both

Stationery shops

Supermarkets

Surfboard shops

Surfing accessories shops

Takeaway food shops

Tobacconist shops

Toy and game repair shops

Toy shops

Travel agency or travel services

Umbrella shops



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Retail Leases Regulation 2022 [NSW]  
Schedule 1 Retail shop businesses

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Underwear shops

Variety stores

Vitamin shops

Wall decorations shops

Watch shops

Water filter shops

Wig shops

Writing materials shops

Retail Leases Regulation 2022 [NSW]  
Schedule 2 Amendment of Retail Leases Act 1994 No 46

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## **Schedule 2 Amendment of Retail Leases Act 1994 No 46**

### **Schedule 1 Retail shop businesses**

Omit the Schedule.