



# Offices, Shops and Railway Premises Act 1963

## 1963 CHAPTER 41

### *Scope of Act*

#### **1 Premises to which this Act applies.**

(1) The premises to which this Act applies are office premises, shop premises and railway premises, being (in each case) premises in the case of which persons are employed to work therein.

(2) In this Act—

- (a) “office premises” means a building or part of a building, being a building or part the sole or principal use of which is as an office or for office purposes;
- (b) “office purposes” includes the purposes of administration, clerical work, handling money and telephone and telegraph operating; and
- (c) “clerical work” includes writing, book-keeping, sorting papers, filing, typing, duplicating, machine calculating, drawing and the editorial preparation of matter for publication;

and for the purposes of this Act premises occupied together with office premises for the purposes of the activities there carried on shall be treated as forming part of the office premises.

(3) In this Act—

- (a) “shop premises” means—
  - (i) a shop;
  - (ii) a building or part of a building, being a building or part which is not a shop but of which the sole or principal use is the carrying on there of retail trade or business;
  - (iii) a building occupied by a wholesale dealer or merchant where goods are kept for sale wholesale or a part of a building so occupied where goods are so kept, but not including a warehouse belonging to the owners, trustees or conservators of a dock, wharf or quay;

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**Changes to legislation:** There are currently no known outstanding effects for the Offices, Shops and Railway Premises Act 1963, Cross Heading: Scope of Act. (See end of Document for details)

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- (iv) a building to which members of the public are invited to resort for the purpose of delivering there goods for repair or other treatment or of themselves there carrying out repairs to, or other treatment of, goods, or a part of a building to which members of the public are invited to resort for that purpose;
- (v) any premises (in this Act referred to as “fuel storage premises”) occupied for the purpose of a trade or business which consists of, or includes, the sale of solid fuel, being premises used for the storage of such fuel intended to be sold in the course of that trade or business, but not including dock storage premises or colliery storage premises;
- (b) “retail trade or business” includes the sale to members of the public of food or drink for immediate consumption, retail sales by auction and the business of lending books or periodicals for the purpose of gain;
- (c) “solid fuel” means coal, coke and any solid fuel derived from coal or of which coal or coke is a constituent;
- (d) “dock storage premises” means fuel storage premises which constitute or are comprised in premises to which certain provisions of the <sup>M1</sup>Factories Act 1961 apply by virtue of section 125(1) (docks, etc.) of that Act; and
- (e) “colliery storage premises” means fuel storage premises which form part of premises which, for the purposes of the <sup>M2</sup>Mines and Quarries Act 1954, form part of a mine or quarry, other than premises where persons are regularly employed to work by a person other than the owner (as defined by that Act) of the mine or quarry;

and for the purposes of this Act premises occupied together with a shop or with a building or part of a building falling within sub-paragraph (ii), (iii) or (iv) of paragraph (a) above for the purposes of the trade or business carried on in the shop or, as the case may be, the building or part of a building, shall be treated as forming part of the shop or, as the case may be, of the building or part of the building, and premises occupied together with fuel storage premises for the purposes of the activities there carried on (not being office premises) shall be treated as forming part of the fuel storage premises, but for the purposes of this Act office premises comprised in fuel storage premises shall be deemed not to form part of the last-mentioned premises.

- (4) In this Act “railway premises” means a building occupied by railway undertakers for the purposes of the railway undertaking carried on by them and situate in the immediate vicinity of the permanent way or a part (so occupied) of a building so situate, but does not include—
  - (a) office or shop premises;
  - (b) premises used for the provision of living accommodation for persons employed in the undertaking, or hotels; or
  - (c) premises wherein are carried on such processes or operations as are mentioned in section 123(1) (electrical stations) of the <sup>M3</sup>Factories Act 1961 and for such supply as is therein mentioned.
- (5) For the purposes of this Act premises maintained in conjunction with office, shop or railway premises for the purpose of the sale or supply for immediate consumption of food or drink wholly or mainly to persons employed to work in the premises in conjunction with which they are maintained shall, if they neither form part of those premises nor are required by the foregoing provisions of this section to be treated as forming part of them, be treated for the purposes of this Act as premises of the class within which fall the premises in conjunction with which they are maintained.

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**Modifications etc. (not altering text)**

**C1** S. 1 extended by [Radiological Protection Act 1970 \(c. 46\), s. 2\(6\)](#)

**Marginal Citations**

**M1** 1961 c. 34.  
**M2** 1954 c. 70.  
**M3** 1961 c. 34.

**2 Exception for premises in which only employer’s relatives or outworkers work.**

- (1) This Act shall not apply to any premises to which it would, apart from this subsection, apply, if none of the persons employed to work in the premises is other than the husband, wife [<sup>F1</sup>, civil partner], parent, grandparent, son, daughter, grandchild, brother or sister of the person by whom they are so employed.
- (2) A dwelling shall not, for the purposes of this Act, be taken to constitute or comprise premises to which this Act applies by reason only that a person dwelling there who is employed by a person who does not so dwell does there the work that he is employed to do in compliance with a term of his contract of service that he shall do it there.

**Textual Amendments**

**F1** Words in s. 2(1) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\), s. 263\(10\)\(b\), Sch. 27 para. 23](#); S.I. 2005/3175, art. 2(2)

**Modifications etc. (not altering text)**

**C2** S. 2 extended by [Radiological Protection Act 1970 \(c. 46\), s. 2\(6\)](#)

**3 Exception for premises where only 21 manhours weekly normally worked.**

- (1) This Act shall not apply to any premises to which it would, apart from this subsection, apply, if the period of time worked there during each week does not normally exceed twenty-one hours.
- (2) For the purposes of this section the period of time worked in any premises shall be deemed to be—
  - (a) as regards a week in which one person only is employed to work in the premises, the period of time worked by him there;
  - (b) as regards a week in which two persons or more are so employed, the sum of the periods of time for which respectively those persons work there.
- (3) . . . . . <sup>F2</sup>

**Textual Amendments**

**F2** Ss. 3(3), 4(3), 6(5), 7(2), 8(2), 9(3)(4), 10(3)(4), 12(3), 20–22, 23(2), 25, 26, 27(3), 42(8)–(10), 43(6)–(8), 45, 46(12)(14), 49(2), 50, 54, 56–58, 61, 62, 65, 66, 68, 70(2)–(4), 71(1), 74(2)–(4), 75(2), 80(5)(6)(8), 81, Sch. 1 repealed by S.I. 1974/1943, reg. 4, [Sch. 1](#)

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**Modifications etc. (not altering text)**

**C3** S. 3 extended by [Radiological Protection Act 1970 \(c. 46\), s. 2\(6\)](#)

**Changes to legislation:**

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