



Factories Act 1961

1961 CHAPTER 34

PART VI

EMPLOYMENT OF WOMEN AND YOUNG PERSONS

Certificate of fitness for employment of young persons

118 Certificate of fitness for employment of young persons

- (1) Subject to the provisions of this section, a young person shall not remain in any employment in a factory after the expiration of the period mentioned in subsection (2) of this section unless he has been examined by the appointed factory doctor and certified by him as fit for the employment and the certificate is still in force.
- (2) The said period is such a period, not less than seven days, as may be prescribed, beginning with whichever of the following dates is the later, that is to say.—
 - (a) the date on which the young person was taken into the employment; and
 - (b) the date on which any previous certificate under this section certifying his fitness for that employment ceased to have effect, or ceased to have effect with respect to that employment.
- (3) Where the appointed factory doctor after examining a young person requires further information or further time for consideration before deciding whether or not to certify him as fit for employment or as to the conditions subject to which the certificate is to be issued, he may issue a provisional certificate authorising the employment of the young person for such period as may be specified in the certificate, not exceeding twenty-one days from the date on which it is issued.
- (4) A certificate under this section may be issued in respect of employment in all factories in the occupation of the same occupier and in the district of the appointed factory doctor issuing the certificate, or such of them as may be specified in the certificate and, where the certificate is restricted to employment belonging to any one group specified in rules under this section, it may, subject to such restrictions as may be specified in the rules, be issued in respect of employment.—

Status: This is the original version (as it was originally enacted).

- (a) in all factories in the occupation of the same occupier, or such of them as may be specified in the certificate (including factories outside the district of the appointed factory doctor issuing the certificate); or
 - (b) in factories in the occupation of different occupiers, either in any area or in such area as may be specified in the certificate.
- (5) A certificate under this section may be issued subject to conditions as respects the nature of the work in which the young person is to be employed and subject to a condition that he shall be re-examined after an interval specified in the certificate ; and where a certificate is issued subject to such a condition, the young person shall not be employed (while he is a young person) except in accordance with the condition.
- (6) A certificate under this section shall be in force only for twelve months or such shorter period as may be prescribed by regulations of the Minister and may, on any examination of a young person under this Act by an appointed factory doctor, be revoked or varied as from a date before its expiration.
- (7) Where a certificate under this section in respect of any young person is refused or revoked, the appointed factory doctor shall, if requested to do so by the parent of the young person, give to the parent in writing the reasons for the refusal or revocation.
- (8) The Minister may make rules prescribing—
- (a) the manner in which and the place at which examinations under this section shall be conducted;
 - (b) the form of certificates under this section;
 - (c) the facilities to be afforded by occupiers of factories for the purpose of examinations under this section, including facilities for an appointed factory doctor to inspect any process in which a young person is to be employed;
 - (d) the employments which are to be treated as groups for the purposes of subsection (4) of this section;
 - (e) any other matter which the Minister may consider desirable for the purpose of giving effect to this section.
- (9) It shall be the duty of every local education authority or, in Scotland, education authority to arrange for their officers to furnish, on the application of the appointed factory doctor, for his confidential information such particulars as to the school medical record of a young person and such other information in their possession relating to the medical history of a young person as he may require to assist him to carry out effectively his duties under this section; and the Minister of Housing and Local Government or, in Scotland, the Secretary of State may make rules for the purpose of securing the observance of the foregoing provisions of this subsection and the said Minister may arrange with the Minister of Education to make such rules on his behalf; and the appointed factory doctor shall, in any case where he is doubtful whether or not to issue a certificate under this section, make such an application as aforesaid.
- (10) The Minister may by regulations exempt from the operation of this section any class or description of factory in which mechanical power is not used.

119 Power of inspector to require certificate of fitness for work

Where an inspector is of opinion that the employment of a young person in a factory or in a particular process or kind of work in a factory is prejudicial to his health or the health of other persons, he may serve written notice on the occupier of the factory

informing him thereof and requiring that the employment of that young person in the factory or in the process or kind of work, as the case may be, be discontinued after the period named in the notice (which shall not be less than one nor more than seven days after the service of the notice) and the occupier shall not continue after that period to employ the young person (notwithstanding that a certificate under section one hundred and eighteen of this Act is in force in respect of him) unless the appointed factory doctor has, after the service of the notice, personally examined the young person and certified that he is fit for employment in the factory or in the process or kind of work, as the case may be.