



# Factories Act 1961

## 1961 CHAPTER 34

### PART VI

#### EMPLOYMENT OF WOMEN AND YOUNG PERSONS

##### *Exceptions*

#### **97 Power to authorise employment in shifts**

- (1) The Minister may, upon the application of the occupier of any factory, authorise in the factory or part of the factory the employment of women and of young persons who have attained the age of sixteen on a system of shifts whereby each shift may be employed between such times as may be specified in the authorisation.
- (2) The time that may be so specified as the beginning of the period of employment for a shift shall be not earlier than six o'clock in the morning, and the time that may be so specified as the end of such a period shall be not later than ten o'clock in the evening on a weekday other than Saturday and two o'clock in the afternoon on a Saturday.
- (3) The system of shifts that may be authorised under this section shall be such that the hours for each shift shall not exceed an average of eight hours a day except that, where the work or process for which the system is authorised is not carried on on more than five days in each week, the hours for each shift may exceed that average but in that case must not exceed ten hours on any day, nor forty-eight hours in a week nor eighty-eight hours in a period of two weeks.
- (4) The Minister shall by regulations make provision as to the manner in which workpeople concerned are to be consulted, and for the ascertainment of their opinions by secret ballot before any application is granted under this section, and shall not grant such an application, except in the case mentioned in subsection (5) of this section, unless satisfied that the requirements of the regulations have been complied with and that the majority of the workpeople concerned consent to the granting of the application.

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- (5) Where the Minister is satisfied that an application under this section relates to a factory which is about to be, or has recently been, newly established and that the system of shifts is intended to be permanently adopted therein for the employment of women and of young persons who have attained the age of sixteen, the application may be granted without any such consultation, ballot or consent as aforesaid.
- (6) If upon an application under this section it appears to the Minister that the employment of women and young persons in accordance with the application is required only for the purpose of making provision for a temporary emergency or a temporary pressure of work which is not of a seasonal and recurring character, any authorisation given by him on the application shall be limited to such period as appears to him to be necessary for the purpose but may, if necessary, be subsequently extended by him if the temporary emergency or temporary pressure of work continues.
- (7) In granting any application under this section the Minister shall impose such conditions as he considers necessary for the purpose of safeguarding the welfare and interests of the persons employed on the system of shifts, and in considering any such conditions shall, in particular, consider the expediency of requiring the provision of suitable accommodation for clothing and of facilities for meals and of transport facilities for workers residing at a distance and, in the case of young persons, of reasonable facilities for attending courses of further education.
- (8) The Minister may direct that the duty of dealing with applications for such temporary purposes as are mentioned in subsection (6) of this section may be performed by the chief inspector of factories or by any superintending inspector of factories, and while such a direction is in force references in this section to the Minister shall, in relation to such applications, be construed as including references to the inspector; but no authorisation given by an inspector shall be given or extended so as to have effect for more than six months.

## **98      Revocation of authorisation under s.97**

- (1) Where it appears to the Minister that any conditions imposed upon the granting of any authorisation under section ninety-seven of this Act have not been complied with or that abuses of any description have arisen out of the employment of any persons on the system of shifts, he may revoke the authorisation.
- (2) Whenever in any factory or part of a factory the employment of women and young persons -on a system of shifts in accordance with an authorisation given under section ninety-seven of this Act is discontinued, or is, after being discontinued, resumed, the occupier of the factory shall forthwith give notice in writing of the discontinuance or resumption to the inspector of factories for the district in which the factory is situated, and if he fails to do so he shall be liable to a fine not exceeding five pounds.
- (3) If in any factory or part of a factory for which such an authorisation has been given, a period exceeding twelve months has at any time elapsed throughout which the employment of women and young persons on a system of shifts in accordance with the authorisation has not been in operation, the Minister may revoke the authorisation, and if such employment has not been in operation for a period exceeding twenty-four months the authorisation shall be deemed to be revoked.

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## **99 Employment of male young persons in shifts in certain industries**

- (1) In the industries and processes to which this section applies male young persons who have attained the age of sixteen may be employed on a system of shifts outside the hours specified in this Part of this Act as the beginning and the end of the period of employment of such persons, if the employment is on work which is by reason of the nature of the process required to be carried on continuously day and night and the conditions specified in subsection (3) of this section and such other conditions as the Minister may for the purpose of safeguarding the welfare and interests of those persons by regulations direct are complied with.
- (2) The period of employment for any such shift may end on Sunday morning not later than six o'clock or begin on Sunday evening not earlier than ten o'clock, and where the young persons are employed on a system of four shifts with turns of not more than eight hours for each shift, they may be employed in such shifts between six o'clock in the morning and ten o'clock in the evening on Sundays.
- (3) The conditions to be complied with in any employment authorised by this section shall include the following:—
  - (a) the number of turns worked by any young person shall not exceed six in any week;
  - (b) the interval between successive turns of any young person shall not be less than fourteen hours; and
  - (c) no young person shall, in two consecutive weeks, be employed between midnight and six o'clock in the morning;but the Minister may by regulations modify the conditions contained in this subsection as respects young persons employed on a system of four shifts and young persons employed in the manufacture of glass.
- (4) A young person who is taken into employment in accordance with the foregoing provisions of this section in any factory and has been examined by the appointed factory doctor and certified by him as fit for the employment in accordance with regulations under section one hundred and eighteen of this Act shall be re-examined at such intervals not exceeding six months as may be prescribed by the regulations.
- (5) Male young persons who have attained the age of sixteen may, in the industries and processes to which this section applies, be employed on weekdays between six o'clock in the morning and ten o'clock in the evening on a system of shifts, subject to the conditions specified in subsection (3) of this section and such other conditions as the Minister may, for the purpose of safeguarding their welfare and interests, by regulations direct.
- (6) The hours worked by young persons employed in accordance with the foregoing provisions of this section may exceed forty-eight in any week, but shall not exceed fifty-six in any week nor one hundred and forty-four in any period of three weeks.
- (7) The provisions of this Part of this Act with respect to the overtime employment of women and young persons shall not apply to any young persons employed in accordance with the foregoing provisions of this section.
- (8) The industries and processes to which this section applies are—
  - the smelting of iron ore ;
  - the manufacture of wrought iron, steel or tin-plate ;

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processes in which reverberatory or regenerative furnaces, necessarily kept in operation day and night in order to avoid waste of material and fuel, are used in connection with the smelting of ores, metal rolling, forges, or the manufacture of metal tubes or rods, or in connection with such other classes of work as may be specified by regulations of the Minister;  
the galvanising of sheet metal or wire (except the pickling process);  
the manufacture of paper;  
the manufacture of glass.

#### **100 Exception for factories operating the five-day week**

- (1) In any factory conducted on the system of employing women and young persons on not more than five days a week, the total hours worked in any day may extend to ten and the period of employment in any day may extend to twelve hours and, in the case of women and of young persons who have attained the age of sixteen, the total hours worked in any day may be further extended by overtime employment to ten and a half.
- (2) An occupier may, notwithstanding that he avails himself of this exception, employ women and young persons who have attained the age of sixteen on a sixth day in any week subject to the conditions that—
  - (a) the total hours worked on that day do not exceed four and a half; and
  - (b) no woman or young person is employed overtime on any other day in that week ;

and any such employment as aforesaid on the sixth day shall be deemed for the purposes of the foregoing provisions of this Part of this Act to be overtime employment, and this exception shall not cease to apply to the factory by reason only of such employment.

#### **101 Exception as to hour of commencement of period of employment**

Where the Minister is satisfied that the exigencies of the trade carried on in a factory or class or description of factory or the convenience of the persons employed therein so require, he may,

- (a) in the case of any class or description of factory, by regulations; and
- (b) in the case of any factory, by order ;

allow the period of employment for women and young persons as respects the factory or any part of the factory or any set of persons employed therein to begin either during the whole year or during any part of the year at an hour earlier than seven o'clock in the morning but not earlier than six o'clock in the morning.

#### **102 Exception as to simultaneous hours for meals and rest**

- (1) Subject to such conditions as the Minister may by regulations prescribe, the provisions of this Part of this Act which require that all the women and young persons employed in a factory shall have the intervals allowed for meals or rest at the same hour of the day shall not apply—
  - (a) to persons employed in any process on which by reason of the nature thereof work requires to be carried on continuously; or
  - (b) to different sets of persons employed on different processes, or to different sets of persons necessarily divided into sets for the purpose of taking meals

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in a mess room or canteen provided and maintained by the occupier to the satisfaction of the inspector for the district, or to such different sets of persons as may be approved by the inspector.

- (2) The Minister may by regulations except any class or description of factory or parts of factories from the provisions aforesaid on being satisfied that it is necessary by reason of any special circumstances to except factories of that class or description or those parts thereof from those provisions.

### **103 Exception as to employment during intervals**

The provisions of this Part of this Act with respect to the prohibition of employment during any interval allowed for meals or rest and the prohibition of the use of certain rooms during such intervals shall not apply to any male young persons employed in the manufacture of wrought iron, steel or tin-plate, paper or glass.

### **104 Exception as to use of rooms during intervals**

- (1) Subject to such conditions as the Minister may by regulations prescribe, the provisions of this Part of this Act with respect to the prohibition of the use of rooms during intervals allowed for meals or rest shall not apply—
- (a) where persons are employed in any process on which by reason of the nature thereof work requires to be carried on continuously; or
  - (b) where different sets of persons have different intervals for meals or rest; or
  - (c) as respects any interval allowed in the course of a spell of continuous employment.
- (2) The Minister may by regulations except any class or description of factory or parts of factories from the said provisions on being satisfied that it is necessary by reason of any special circumstances to except factories of that class or description or those parts thereof from those provisions.

### **105 Exception as to continuous employment of male young persons employed with men**

The provisions of this Part of this Act forbidding the continuous employment of a young person for a spell of more than four and a half hours without an interval of at least half an hour shall, in the case of male young persons who have attained the age of sixteen and are employed with men and whose continuous employment is necessary to enable the men to carry on their work, have effect, as respects any spell commencing in the morning, as if five hours were substituted for four and a half hours as the length of the spell for which they may be employed continuously.

### **106 Exception as to male young persons employed on repairing work**

- (1) Subject to such conditions as the Minister may by regulations prescribe, the provisions of this Part of this Act with respect to general conditions as to hours of employment of women and young persons, notices fixing hours of employment, overtime employment of women and young persons, prohibition of use of rooms during intervals, prohibition of Sunday employment, and annual holidays, shall not apply to male young persons employed as part of the regular maintenance staff of a factory or by a contractor, in repairing any part of the factory or any machinery or plant therein.

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- (2) No notice shall be required to be served or posted by any occupier availing himself of this exception.

**107 Exception as to Saturday**

- (1) Where it is proved to the satisfaction of the Minister that the customs or exigencies of the trade carried on in any class or description of factory require some other day in the week to be substituted for Saturday as the short day, he may, by regulations, grant to factories of that class or description an exception authorising the occupier of every such factory to substitute some other day for Saturday, and in that case this Part of this Act shall apply in the factory as if the substituted day were Saturday, and Saturday were an ordinary work day.
- (2) Regulations made under this section as respects newspaper printing offices, or as respects factories in which the work by reason of its nature requires to be carried on on six full working days in the week, may authorise the substitution of some other day for Saturday in respect of some of the women and young persons employed therein.

**108 Exception as to holidays on different days for different sets**

Where it is proved to the satisfaction of the Minister that the customs or exigencies of the trade carried on in any class or description of factory so require, he may by regulations grant to factories of that class or description an exception authorising the occupier of every such factory to allow all or any of the annual whole holidays on different days to any of the women and young persons employed therein, or to any sets of those women and young persons, instead of on the same days.

**109 Exception as to Sundays and Saturdays in Jewish factories**

- (1) Where the occupier of a factory is a person of the Jewish religion, or a member of any religious body regularly observing the Jewish Sabbath, a woman or young person who is a person of the Jewish religion or a member of such a religious body as aforesaid may be employed on Sunday, subject to the condition that the factory must be closed on Saturday and must not be open for business on Sunday.
- (2) Where the occupier avails himself of this exception, this Part of this Act shall, as respects women and young persons who are persons of the Jewish religion or members of such a religious body as aforesaid, apply to the factory in like manner as if in the provisions thereof respecting Sunday the word Saturday were substituted for Sunday, and in the provisions thereof respecting Saturday, the word Sunday, or, if the occupier so elects, the word Friday, were substituted for Saturday.
- (3) For the purposes of this section, a factory occupied by a partnership or company shall be deemed to be occupied by a person of the Jewish religion or a member of a religious body regularly observing the Jewish Sabbath if the majority of the partners or of the directors of the company are persons of the Jewish religion or, as the case may be, members of any such religious body as aforesaid, but not otherwise,

**110 Exception as to laundries**

- (1) For the purpose of meeting without overtime employment pressure of work recurring on particular days of the week, the total hours worked in a day by women in laundries

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may, on two week days other than Saturday in any week, extend to ten hours, and the period of employment on those days may extend to twelve hours and may begin at any time not earlier than six o'clock in the morning and end at any time not later than nine o'clock in the evening; but nothing in this subsection shall affect the provisions of this Part of this Act with respect to the total hours worked in a week.

- (2) The Minister may, as regards factories of which the occupiers avail themselves of this exception, by regulations make such modifications in the provisions of this Part of this Act which require that the period of employment and intervals allowed for meals and rest shall be the same for all women and young persons, and that no woman or young person shall be employed during any such interval, as appear to him to be necessary or expedient.

### **111 Exception as to manufacture of bread or flour confectionery or sausages**

- (1) For the purpose of meeting without overtime employment pressure of work recurring on particular days of the week, the total hours worked in a day by women in the manufacture of bread or flour confectionery (including meat and fruit pies) or sausages may on two days other than Saturday in any week extend to ten hours, and the period of employment on those days may extend to twelve hours and may begin at any time not earlier than six o'clock in the morning and end at any time not later than nine o'clock in the evening; but nothing in this subsection shall affect the provisions of this Part of this Act with respect to the total hours worked in a week.
- (2) The Minister may, as regards factories of which the occupiers avail themselves of this exception, by regulations make such modifications in the provisions of this Part of this Act which require that the period of employment and intervals allowed for meals and rest shall be the same for all women and young persons, and that no women or young persons shall be employed during any such interval, as appear to him to be necessary or expedient.

### **112 Exception as to preserving of fish, fruit and vegetables**

- (1) Subject to such conditions as the Minister may by regulations prescribe, the provisions of this Part of this Act with respect to the general conditions as to hours of employment of women and young persons, notices fixing hours of employment, overtime employment of women and young persons, prohibition of use of rooms during intervals, prohibition of Sunday employment, and annual holidays shall not apply to the employment of women and of young persons who have attained the age of sixteen in processes connected with—
- (a) the preserving, canning or curing of fish or the preparing of fish for sale; or
  - (b) the preserving or canning of fruit or vegetables during the months of June, July, August and September;
- where such processes require to be carried out without delay in order to prevent goods from being spoiled.
- (2) Where an occupier avails himself of this exception, the notice required to be served and posted by him under section one hundred and fifteen of this Act need not, except in so far as regulations under this section so require, specify the period of employment or the intervals to be allowed for meals or rest

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### **113 Exception as to factories where milk is treated**

- (1) In the case of factories, or any class or description of factory, in which cream, butter, cheese, milk powder, condensed milk or any other milk product is made or fresh milk or cream is sterilised or otherwise treated before being sold as such, the Minister may make regulations varying the provisions of this Part of this Act with respect to the general conditions as to hours of employment of women and young persons, notices fixing hours of employment, overtime employment of women and young persons, prohibition of use of rooms during intervals, prohibition of Sunday employment, and annual holidays, so far as they relate to women and to young persons who have attained the age of sixteen.
- (2) The hours worked in any week by any woman or young person in pursuance of regulations made under this section shall not exceed fifty-four, except that in such factories in which cheese is made as may be specified in the regulations, and during such period of the year as may be so specified, the hours so worked in any week may extend to sixty.

### **114 Provision for protection of women and young persons employed under exceptions**

Where it appears to the Minister that the adoption of any special provision is required for the protection of the health or welfare of women or young persons employed overtime or in pursuance of an exception under sections ninety-nine to one hundred and thirteen of this Act, he may by regulations direct that the adoption of the provision shall be a condition of such employment in addition to any other conditions specified in this Part of this Act.

### **115 Notices, registers, &c., relating to exceptions**

- (1) An occupier of a factory, not less than seven days before he avails himself of any exception under sections ninety-nine to one hundred and thirteen of this Act, shall serve on the inspector for the district and post in his factory notice in the prescribed form of his intention to do so, as from a date specified in the notice, and shall keep the notice posted whilst he avails himself of the exception.
- (2) Before the service of the notice on the inspector the exception shall not be deemed to apply to the factory, and as from the date specified in the notice it shall not be competent in any proceeding under this Act for the occupier to prove that the exception does not apply to his factory, unless, before the event in respect of which the proceedings are taken, he had served on the inspector for the district notice that he no longer intended to avail himself of the exception.
- (3) The notice mentioned in subsection (1) of this section must, except as otherwise provided by this Part of this Act, specify the period of employment, and the intervals to be allowed for meals or rest, and the annual holidays, where they differ from the ordinary hours or intervals or holidays, and, subject to the provisions of this Part of this Act with respect to overtime, no person employed in pursuance of the exception shall be employed otherwise than in accordance with the notice.
- (4) A change in the said period of employment or intervals shall not be made until the occupier has served on the inspector for the district, and posted in the factory, notice of his intention to make the change, and shall not be made oftener than once in three months, unless for special cause allowed in writing by the inspector.



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- (5) The Minister may by order direct that every occupier of a factory availing himself of such exception as may be specified in the order shall enter in the prescribed register and report to the inspector for the district such particulars as may be so specified respecting the employment of women and young persons in pursuance of that exception.