



# Factories Act 1961

## 1961 CHAPTER 34

### PART VI

#### EMPLOYMENT OF WOMEN AND YOUNG PERSONS

##### *Hours and Holidays*

#### **86 General conditions as to hours of employment of women and young persons**

Subject to the provisions of this Part of this Act, the hours worked, the period of employment, and the intervals for meals and rest, for every woman or young person employed in a factory shall conform to the following conditions, namely:—

- (a) the total hours worked, exclusive of intervals allowed for meals and rest, shall neither exceed nine in any day nor exceed forty-eight in any week;
- (b) the period of employment shall not exceed eleven hours in any day and shall neither begin earlier than seven o'clock in the morning nor end later than six o'clock in the evening in the case of young persons who have not attained the age of sixteen, or in other cases eight o'clock in the evening, or, on Saturday, one o'clock in the afternoon;
- (c) a woman or young person shall not be employed continuously for a spell of more than four and a half hours without an interval of at least half an hour for a meal or rest, so, however, that where an interval of not less than ten minutes is allowed in the course of a spell, the spell may be increased to five hours ;
- (d) the period of employment and intervals allowed for meals and rest in accordance with the foregoing provisions of this section shall be the same for all women and young persons employed in the factory, except that the period of employment may end at an earlier hour for young persons who have not attained the age of sixteen;
- (e) no woman or young person shall be employed during any such interval allowed for meals or rest.

## **87 Weekly hours of work of young persons under 16**

- (1) Subject to the provisions of this section, paragraph (a) of section eighty-six of this Act shall have effect, in the case of young persons who have not attained the age of sixteen, as if for the reference to forty-eight hours there were substituted a reference to forty-four hours.
- (2) If representations are made to the Minister with respect to any class or description of factory—
  - (a) that the industry carried on in that class or description of factory is, either generally or as respects a particular process, so dependent on the employment of young persons who have not attained the age of sixteen and so organised that the carrying on of the industry would be seriously prejudiced unless the number of hours worked in a week by such young persons employed in that industry or in that process were permitted to exceed forty-four;
  - (b) that such increased hours would not be likely to be injurious to the health of the young persons; and
  - (c) that the work in which the young persons would be employed in that industry or process is particularly suitable for young persons, and that their employment would familiarise them with, and help to train them for employment in, processes in which older persons are employed in the industry, and be likely to lead to their permanent employment in the industry;the Minister may direct an inquiry to be held, and if, as a result of the inquiry, he is satisfied with respect to all those matters, he may make regulations increasing the total hours, exclusive of intervals allowed for meals and rest, that may be worked by such young persons in any week in that class or description of factory, or, as the case may be, in a particular process carried on therein, to such figure, not exceeding forty-eight, as may be specified in the regulations.
- (3) Paragraph 5 of the Fourth Schedule to this Act shall apply, with such adaptations as may be prescribed, to any inquiry held under this section.
- (4) The Minister may, as respects factories, or any class or description of factory, in which the number of hours permitted to be worked in any week by young persons who have not attained the age of sixteen is less than forty-eight, by regulations make such modifications of this Part of this Act, and make such provision as to the period of employment of such young persons and the intervals allowed to them for meals and rest, as he considers necessary or expedient for regulating the arrangement of the hours to be worked by such young persons.

## **88 Notice fixing hours of employment**

- (1) The occupier shall fix within the limits allowed by the foregoing provisions of this Part of this Act and shall specify in a notice in the prescribed form, which shall be posted in the factory—
  - (a) the period of employment for each day of the week for the women and young persons employed in the factory;
  - (b) the intervals allowed for meals or rest to those women and young persons;and, subject to the provisions of this Part of this Act with respect to overtime and to the exceptions allowed under this Part of this Act, no woman or young person shall be employed otherwise than in accordance with the notice.

- (2) Different periods of employment and different intervals may be fixed for different days of the week.
- (3) A change in the said periods 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.
- (4) Where an inspector, by notice in writing, names a public clock, or some other clock open to public view, for the purpose, the period of employment and the intervals allowed for meals or rest in that factory shall be regulated by that clock.

## **89 Overtime employment of women and young persons over 16**

- (1) Notwithstanding the provisions of this Part of this Act relating to hours worked and periods of employment, pressure of work in any factory may be dealt with by the overtime employment of women and young persons who have attained the age of sixteen, but the overtime for the factory shall not exceed in the aggregate one hundred hours in any calendar year or six hours in any week and shall not take place in the factory in more than twenty-five weeks in any calendar year.
- (2) The overtime employment of a woman or young person shall be subject to the following conditions:—
  - (a) the total hours worked by the woman or young person, exclusive of intervals allowed for meals and rest, shall not exceed ten on any day;
  - (b) the period of employment for the woman or young person shall not exceed twelve hours in any day and shall not extend outside the hours specified in this Part of this Act for the beginning and end of the period of employment, except that in the case of women it may extend to nine o'clock in the evening on weekdays other than Saturday.
- (3) Where the occupier of a factory allows to any women or young persons who are to be employed overtime on any day an interval for a meal or rest in addition to any interval fixed for the day by a notice under this Part of this Act, he may employ during that interval any women or young persons who are not to be employed overtime on that day, but save as aforesaid the provisions of this Part of this Act relating to continuous employment and intervals for meals or rest shall apply to overtime employment in like manner as they apply to other employment.
- (4) If the Minister is satisfied that overtime employment of young persons, in accordance with the foregoing provisions of this section, in any process will prejudicially affect the health of the young persons, or any class of them, he may by regulations either prohibit the overtime employment in that process of those young persons, or that class of them, or make such further restrictions as to the amount of such overtime employment or otherwise as he thinks fit.
- (5) If representations are made to the Minister with respect to any class or description of factory that, having regard to the particular circumstances and conditions affecting the industry carried on therein, the overtime employment allowed under this section can be reduced without serious detriment to that industry, the Minister may, after consultation with any such association of occupiers or employed persons and any such joint industrial council, wages council or similar body as appears to him to be affected, direct an inquiry to be held, and if he is satisfied, as the result of the inquiry, that the overtime employment can be reduced without serious detriment to the industry, he

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

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may by regulations make such modifications in the provisions of this section, in their application to the class or description of factory aforesaid, as will secure the reduction of the amount of overtime employment of women and young persons, or of young persons, employed therein.

Paragraph 5 of the Fourth Schedule to this Act shall apply, with such adaptations as may be prescribed, to any inquiry held under this subsection.

- (6) Where the Minister is satisfied that work in any class or description of factory is subject to seasonal or other special pressure, he may by regulations as respects that class or description of factory—
  - (a) increase for women, or for women employed in any specified process, during any period of such pressure, the hours of work and the period of employment allowed in a day under this section, but only for such number of weeks, not exceeding eight, in any year as may be specified in the regulations ;
  - (b) increase the hours of overtime employment allowed for a factory under this section in a calendar year to an aggregate not exceeding one hundred and fifty hours, subject to the condition that young persons shall not be employed during more than one hundred of the hours of overtime employment allowed for the factory.
- (7) The Minister may increase the aggregate number of hours of overtime employment allowed for a factory under this section in any week or the number of weeks in any calendar year in which overtime employment can take place—
  - (a) by regulations as respects any class or description of factory, if he is satisfied that owing to the exigencies of the trade carried on the increase is necessary;
  - (b) by order as respects any factory, if he is satisfied that the increase is necessary by reason of unforeseen pressure of work due to sudden orders, or by reason of a breakdown of machinery or plant or other unforeseen emergency.
- (8) For the purposes of this section, the employment of persons in different parts of a factory or the employment of different sets of persons in different processes may, subject to such conditions as the Minister may by regulations prescribe, be treated, for the purpose of reckoning hours of overtime employment or the number of weeks in which overtime employment can take place, as if it were employment in different factories.
- (9) If the Minister is satisfied that the nature of the business carried on in any class or description of factory involves the overtime employment of different persons on different occasions to such an extent that the provisions of this section limiting overtime employment by reference to the factory would, as respects a substantial number of factories of that class or description, be unreasonable or inappropriate, he may by regulations provide that any factory of that class or description may, in lieu of complying with the said provisions, comply with such provisions limiting overtime employment by reference to the individual as may be specified in the regulations, and such provisions shall secure—
  - (a) that no woman shall be employed overtime in the factory for more than seventy-five hours, and no young person for more than fifty hours, in any calendar year; and
  - (b) that no woman or young person shall, except as otherwise provided in the regulations, be employed overtime in the factory for more than six hours in any week or in more than twenty-five weeks in any calendar year.

(10) In this Part of this Act " overtime employment " means, in relation to any woman or young person, any period during which that woman or young person is at work in the factory outside the period of employment fixed for the day for that woman or young person by a notice under this Part of this Act; and for the purposes of this Part of this Act—

- (a) in calculating hours of overtime employment any fraction of an hour less than half an hour shall be treated as half an hour and any fraction of an hour greater than half an hour shall be treated as an hour ; and
- (b) in reckoning for any factory, part of a factory, or set of persons, the aggregate hours of overtime employment or the number of weeks in which overtime employment can take place, account shall be taken of every period during which any woman or young person is employed overtime in that factory, part or set.

## **90 Supplementary provisions as to overtime**

- (1) Before employing any woman or young person overtime on any day, the occupier of the factory shall send in writing to the inspector for the district and enter in the prescribed register such particulars of the overtime employment as may be prescribed, including particulars of any interval for a meal or rest to be allowed under subsection (3) of section eighty-nine of this Act,
- (2) The occupier of any factory in which women or young persons are employed overtime shall cause a notice containing the prescribed particulars to be kep/ posted in the factory during such time as may be prescribed.

## **91 Restriction of employment inside and outside factory on same day**

- (1) Subject to subsection (2) of this section, a woman or young person shall not during any interval allowed to that woman or young person for a meal or rest, or during any time not included in the period of employment fixed by a notice under this Part of this Act, be employed outside the factory, in the business of the factory or in any other business carried on by the occupier, on any day during which the woman or young person is employed in the factory.
- (2) A woman or a young person who has attained the age of sixteen may be so employed in a shop outside the period of employment, but any such employment shall be treated for the purposes of this Part of this Act (including the provisions relating to overtime employment) as employment in the factory.
- (3) For the purposes of this section a woman or young person to or for whom any work is given out or who takes out any work to be done by her or him outside the factory shall be deemed to be employed outside the factory on the day on which the work is given or taken out.

## **92 Prohibition of use of rooms during intervals**

Subject to the exceptions allowed under this Part of this Act, a woman or young person shall not during any part of the intervals allowed to that woman or young person for meals or rest be allowed to remain in a room in which a process is then being carried on.

### **93 Prohibition of Sunday employment**

Subject to the exceptions allowed under this Part of this Act, a woman or young person shall not be employed on Sunday in a factory nor shall a woman or young person employed in a factory on any other day of the week be employed on Sunday about the business of the factory or in any other business carried on by the occupier.

### **94 Annual holidays**

- (1) Subject to the exceptions allowed under this Part of this Act, the occupier of a factory shall allow the whole of each of the following days as a holiday in each year to every woman and young person employed in the factory.
- (2) In England, the said days are, subject to subsection (4) of this section, Christmas Day, Good Friday and every bank holiday.
- (3) In Scotland, the said days are six weekdays fixed by the occupier and notified in each case by means of a notice posted in the factory throughout not less than three weeks before the day; except that in burghs two of those days, which shall not be less than three months apart, shall be fixed by the town council.
- (4) The occupier may by notice posted in the factory throughout not less than three weeks before any of the days specified in subsection (2) of this section substitute for it some other weekday specified in the notice.
- (5) At least half of the days to be allowed in any year as holidays under this section shall be allowed between the fifteenth day of March and the first day of October.
- (6) Subject to the exceptions allowed under this Part of this Act, a woman or young person shall not be employed in a factory on a holiday fixed by or in pursuance of this section for that factory, and a woman or young person employed in any factory shall not be employed on such a holiday about the business of the factory or in any other business carried on by the occupier.

*Restriction on application of foregoing provisions of Part VI*

### **95 Women holding positions of management**

The foregoing provisions of this Part of this Act do not apply to women holding responsible positions of management who are not ordinarily engaged in manual work.

### **96 Power to suspend certain provisions in emergency**

The Minister may, in the event of accident, or breakdown of machinery or plant, or other unforeseen emergency, by order suspend, as respects any factory, any of the provisions of this Part of this Act as to hours and holidays for such period as may be specified in the order, but so far only as may be necessary to avoid serious interference with the ordinary working of the factory and not so as to conflict with any enactment which gives effect to an international convention restricting the employment of women or young persons in factories.

## *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.
- (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.

## **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 ;
  - 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 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.
- (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 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

## **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.
- (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.

### *Regulation of employment of young persons in certain occupations*

## **116 Regulation of employment of young persons in certain occupations**

- (1) This section applies to young persons—
  - (a) employed in collecting, carrying or delivering goods, carrying messages or running errands, who are so employed in the business of a factory wholly or mainly outside the factory or who are so employed in connection with any business carried on at a dock, wharf, or quay to which section one hundred and twenty-five of this Act applies, or any warehouse (except a warehouse which forms part of a factory or to which the Shops Act, 1950, applies), and by a person having the use or occupation of the dock, wharf, quay or warehouse, or of premises within it or forming part of it; or
  - (b) employed in or in connection with any process (not being a process to which section one hundred and twenty-six of this Act applies) carried on at any such dock, wharf, quay, or warehouse and by a person having such use or occupation as aforesaid, or in or in connection with the processes of loading, unloading or coaling any ship in any dock, harbour or canal.
- (2) The employment of all such young persons as aforesaid shall, subject as hereinafter provided, conform to the following conditions, that is to say:—

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

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- (a) the total hours worked, exclusive of intervals allowed for meals and rest, shall not, subject to paragraph (d) of this subsection, exceed forty-eight in any week;
  - (b) the young person shall not be employed continuously for a spell of more than five hours without an interval of at least half an hour for a meal or rest, and where the hours of employment include the hours from half-past eleven in the morning to half-past two in the afternoon, an interval of not less than three-quarters of an hour shall be allowed between these hours for dinner;
  - (c) on at least one weekday in each week, to be notified in the prescribed form and manner, the young person shall not be employed after one o'clock in the afternoon ;
  - (d) the young person, if he has attained the age of sixteen, may, on occasions of seasonal or other special pressure or in cases of emergency, work overtime, that is to say, in excess of the permitted weekly hours, but his hours of overtime work shall not exceed six in any week or fifty in any calendar year, and where any employer has employed overtime any young persons to whom this section applies in twelve weeks (whether consecutive or not) in any calendar year, neither he nor any person succeeding to his business shall employ young persons to whom this section applies overtime during the remainder of that year;
  - (e) the young person shall in every period of twenty-four hours between midday on one day and midday on the next day be allowed an interval of at least eleven consecutive hours, which shall include the hours from ten o'clock in the evening until six o'clock in the morning;
  - (f) the employer of any young persons to whom this section applies shall keep in the prescribed form and manner a record of the prescribed particulars as to the young persons, including particulars of the hours worked by them and of the intervals allowed to them for meals and rest, and particulars of all overtime employment shall be separately entered in the record;
  - (g) sections eighty-seven, ninety-three, ninety-four and one hundred and nine of this Act shall apply, subject to the prescribed adaptations, to the employment of young persons to whom this section applies;
  - (h) any further conditions, which may include conditions with respect to the daily period of employment, prescribed by regulations of the Minister for the purpose of safeguarding the welfare and interests of the young persons or any class of them, shall be complied with.
- (3) Where a young person to whom this section applies is, in addition to being employed in employment mentioned in subsection (1) of this section, also employed by the same employer in any other employment, any reference in subsection (2) of this section to employment shall, in relation to that young person, include a reference to that other employment.
- (4) The employer of any young person to whom this section applies may give notice to the inspector for the district that he wishes to substitute for the provisions of this section the foregoing provisions of this Part of this Act, and, unless and until the notice is withdrawn by another notice, those provisions shall apply accordingly, subject to the prescribed adaptations, to all such young persons employed by him.

Any notice given under this subsection (including a notice of withdrawal) shall be in the prescribed form and shall take effect from such date after it is given as may be prescribed.

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

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- (5) For the purposes of this section, a young person shall be deemed to be employed by the person for whom he works, whether or not he receives any wages for his work.

*Exemptions in interest of efficiency of industry or transport*

**117 Exemptions from provisions regulating hours of employment**

- (1) Where the Minister is satisfied, on an application made to him in that behalf, that it is desirable in the public interest to do so for the purpose of maintaining or increasing the efficiency of industry or transport, he may, after such consultations as he may think appropriate or as may be required under subsection (5) of this section, exempt the employment of persons of or over the age of sixteen from any of the following provisions, except in so far as they relate to mines and quarries, that is to say.—
  - (a) the foregoing provisions of this Part of this Act;
  - (b) subsection (3) of section one of the Employment of Women, Young Persons, and Children Act, 1920; and
  - (c) the Hours of Employment (Conventions) Act, 1936.
- (2) An exemption granted under this section may extend to the employment of persons generally, of a class of persons or of particular persons, and to employment generally, or any class of employment or particular employment, and may be granted to such extent and on such conditions as may be specified in the instrument by which it is granted and, subject to subsection (4) of this section, either indefinitely or for such period as may be so specified.
- (3) An exemption under this section extending only to particular persons or a particular employment or to a class of persons or employment defined by reference to particular premises or to work supervised from particular premises, and any exemption under this section for a particular day or particular days only, shall be granted by order, to be known as a special exemption order, and any other exemption under this section shall be granted by special regulations, to be known as general exemption regulations.
- (4) An exemption granted by a special exemption order shall not be for more than one year, without prejudice however to the granting of the like exemption for further periods by further special exemption orders.
- (5) The Minister shall not make general exemption regulations except—
  - (a) on the application of a joint industrial council, conciliation board or other similar body constituted by organisations which appear to him to be representative respectively of workers and employers concerned; or
  - (b) on the application of a wages council; or
  - (c) on the joint application of an organisation which appears to him to be representative of employers concerned and of an organisation which appears to him to be representative of workers concerned; or
  - (d) on the application of an organisation which appears to him to be representative of employers concerned and after consulting an organisation which appears to him to be representative of workers concerned; or
  - (e) on the application of an organisation which appears to him to be representative of workers concerned and after consulting an organisation which appears to him to be representative of employers concerned.



- (6) The Minister shall publish in the London Gazette such particulars of special exemption orders as he considers appropriate.
- (7) In this section " organisation " includes—
- (a) in relation to workers, an association of trade unions, and
  - (b) in relation to employers, an association of organisations of employers and also any body established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking;
- and " trade union " includes an association of trade unions.

*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.—
- (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.

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

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- (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.