



Offices, Shops and Railway Premises Act 1963

1963 CHAPTER 41

Interpretation

90 Interpretation

(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

except in section 1(4) of this Act, " building " includes structure;

" contravention " includes, in relation to a provision of this Act or of regulations thereunder, a failure to comply with the provision, and the expression " contravene " shall be construed accordingly ;

" employed " means employed under a contract of service or apprenticeship (whether oral or in writing, express or implied);

" factory inspector " means an inspector appointed under section 145 of the Factories Act 1961 ;

" fire certificate " means a certificate issued under section 29(3) of this Act;

" fish " includes molluscs and crustaceans ;

" fuel storage premises " has the meaning assigned to it by section 1(3)(a) (v) of this Act;

" local authority " means, as respects England and Wales, the council of a county borough or a county district, the council of a metropolitan borough or the Common Council of the City of London and, as respects Scotland, the council of a county or the town council of a burgh;

" magistrates' court " has the same meaning as in the Magistrates' Courts Act 1952 ;

" mine and quarry inspector " means an inspector appointed under section 144 of the Mines and Quarries Act 1954 ;

" the Minister " means the Minister of Labour ;

" notice " means a notice in writing;

" office premises " has the meaning assigned to it by section 1(2) of this Act;

" owner "—

- (a) as respects England and Wales, means the person for the time being receiving the rackrent of the premises, building or part of a building in connection with which the word is used, whether on his own account or as agent or trustee for another person, or who would so receive the rackrent if the premises, building or part were let at a rack-rent, and
- (b) as respects Scotland, means the person for the time entitled to receive or who would, if the same were let, be entitled to receive, the rents of the premises, building or part of a building in connection with which the word is used and includes a trustee, factor, tutor or curator, and in the case of public or municipal property, applies to the persons to whom the management thereof is entrusted,

and " owned " and " ownership " shall be construed accordingly;

" petty sessions area " has the same meaning as in the Magistrates' Courts Act 1952 ;

" place of public entertainment " means—

- (a) any premises used mainly for public music and dancing in respect of which there is in force a licence granted under the Disorderly Houses Act 1751 ;
- (b) any premises in respect of which there is in force a licence granted under the Cinematograph Acts 1909 and 1952;
- (c) a place of public resort had or kept under the authority of letters patent from Her Majesty, Her heirs or successors, or predecessors, or a licence under the Theatres Act 1843, for the performance of stage plays as defined in that Act;

" police authority " has the same meaning as in the Police Pensions Act 1921 ;

" railway premises " has the meaning assigned to it by section 1(4) of this Act;

" railway undertakers " means any persons authorised by an enactment or a provision of an order or scheme made under or confirmed by an Act to construct, work or carry on a railway;

" shop premises " has the meaning assigned to it by section 1 (3) of this Act;

" week " means the period between midnight on Saturday night and midnight on the succeeding Saturday night.

(2) References in this Act to machinery, plant, equipment or appliances shall be construed as including references to electrical fittings as defined for the purposes of the Electricity Act 1947.

(3) For the purposes of this Act—

- (a) persons employed by railway undertakers to do work the general control of the doing of which is exercised at railway premises, or at office premises occupied by the undertakers for the purposes of the railway undertaking carried on by them and situate in the immediate vicinity of the permanent way, shall be deemed to be employed to work in the premises at which the general control of the doing of their work is exercised notwithstanding that their work is in fact done elsewhere ;
- (b) neither railway premises nor such office premises as aforesaid shall be taken to be premises in the case of which persons are employed to work therein by reason only of the fact that persons employed by the undertakers who occupy

the premises resort to the premises for the purpose only of discharging duties whose discharge is incidental to the work that they are primarily employed to do.

- (4) For the purposes of this Act, any such person as follows shall be taken to be employed, namely.—
- (a) a person appointed under section 6 or 7 of the Registration Service Act 1953 who exercises and performs his powers and duties in premises provided and maintained by the council within whose area his district or sub-district is situate;
 - (b) a person elected under section 8 of the Registration of Births, Deaths and Marriages (Scotland) Act 1854 who exercises his functions in premises provided and maintained by a local authority ;
 - (c) a member of a police force maintained by a police authority.
- (5) The definition of a class of premises, rooms or persons for the purposes of any regulations or order under this Act may be framed by reference to any circumstances whatever.
- (6) Any reference in this Act to any other enactment shall, unless the context otherwise requires, be construed as a reference to that enactment as amended or extended by or under any subsequent enactment.