



# Factories Act 1937

1937 CHAPTER 67 1 Edw 8 and 1 Geo 6

## PART VI

EMPLOYMENT OF WOMEN AND YOUNG PERSONS.

### *Hours and Holidays.*

#### **73 Overtime employment of women and young persons over sixteen.**

- (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 :

Provided that 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

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employment and intervals for meals or rest shall apply to overtime employment in like manner as they apply to other employment.

- (4) If the Secretary of State 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 Secretary of State 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 Secretary of State may, after consultation with any such association of occupiers or employed persons and any such joint industrial council, trade board, 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 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 Second Schedule to this Act shall apply, with such adaptations as may be prescribed, to any inquiry held under this subsection.

- (6) Where the Secretary of State 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, so, however, that the increase shall only take place in 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 Secretary of State 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 Secretary of State may by regulations prescribe, be treated, for the purpose of reckoning hours of overtime employment or the number

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of weeks in which overtime employment can take place, as if it were employment in different factories.

- (9) If the Secretary of State 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 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) For the purposes of this Part of this Act—
- (a) the expression “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;
  - (b) 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
  - (c) 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.