



Shops Act 1950

1950 CHAPTER 28

PART II

CONDITIONS OF EMPLOYMENT

Arrangements for health and comfort of shop-workers

37 Seats for female shop-workers

- (1) In all rooms of a shop where female shop assistants are employed in the serving of customers, the employer shall provide seats behind the counter, or in such other position as may be suitable for the purpose, and such seats shall be in the proportion of not less than one seat to every three female shop assistants employed in each room.
- (2) It shall be the duty of the occupier of the shop to permit the female shop assistants to make use of such seats whenever the use thereof does not interfere with their work, and the occupier shall in the prescribed manner and in the prescribed form give notice informing the shop assistants that they are intended to do so.
- (3) Any person failing to comply with the provisions of this section shall be liable—
 - (a) for a first offence to a fine not exceeding three pounds; and
 - (b) for a second or subsequent offence to a fine of not less than one pound and not exceeding five pounds.

38 Sanitary and other arrangements in shops

- (1) In every part of a shop in which persons are employed about the business of the shop—
 - (a) suitable and sufficient means of ventilation shall be provided and suitable and sufficient ventilation shall be maintained;
 - (b) suitable and sufficient means shall be provided to maintain a reasonable temperature and a reasonable temperature shall be maintained.

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- (2) In every shop, not being a shop exempted from the provisions of this subsection, there shall be provided and maintained suitable and sufficient sanitary conveniences available for the use of persons employed in or about the shop.
- (3) In every part of a shop in which persons are employed about the business of the shop, suitable and sufficient means of lighting shall be provided, and every such part of a shop shall be kept suitably and sufficiently lighted.
- (4) In every shop, not being a shop exempted from the provisions of this subsection, there shall be provided and maintained suitable and sufficient washing facilities available for the use of persons employed in or about the shop.
- (5) Where persons employed about the business of a shop take any meals in the shop, there shall be provided and maintained suitable and sufficient facilities for the taking of those meals.
- (6) A shop shall be exempted from the provisions of subsection (2) or of subsection (4) of this section if there is in force a certificate exempting that shop therefrom granted by the authority whose duty it is to enforce those provisions respectively.

Any such certificate shall remain in force until it is withdrawn by the authority, but no such certificate shall be granted with respect to any shop unless the authority are satisfied that by reason of restricted accommodation or other special circumstances affecting the shop it is reasonable that such a certificate should be in force with respect thereto, and that suitable and sufficient sanitary conveniences or washing facilities, as the case may be, are otherwise conveniently available, and, subject as hereinafter provided, a certificate in force with respect to any shop shall be withdrawn if the authority at any time cease to be so satisfied as aforesaid:

Provided that, if the occupier of a shop is aggrieved by the withdrawal of such a certificate, he may appeal to the county court for the district in which the shop is situated and that court may make such order concerning the certificate as appears to the court, having regard to the matters aforesaid, to be just and equitable.

- (7) If it appears to the authority whose duty it is to enforce any provision of this section that there has been, in the case of any shop, a contravention of that provision, the authority shall, by notice served on the owner or occupier of the shop, require him to take, within such time as may be limited by the notice, such action as may be specified in the notice for the purpose of securing compliance with the said provision.

If any person served with such a notice fails to comply with the requirements thereof, he shall be liable—

- (a) to a fine not exceeding twenty pounds, or
- (b) in the case of a second or subsequent conviction in respect of the same requirement, to a fine not exceeding fifty pounds or five pounds for every day since the first conviction in respect of that requirement, whichever is the greater:

Provided that it shall be a defence to any proceedings under this subsection to prove that there was no contravention of the provisions of this section, or that the requirements or any such notice as aforesaid were, within a reasonable time after service of the notice, complied with in so far as they were necessary to secure compliance with the provisions of this section.

- (8) In this section—

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" shop " includes any wholesale shop and any warehouse occupied for the purposes of his trade by any person carrying on any retail trade or business or by any wholesale dealer or merchant;

" suitable and sufficient " means, in relation to any shop or part of a shop, suitable and sufficient having regard to the circumstances and conditions affecting that shop or part.

- (9) For the purposes of this section, a person who works about the business of a shop for the occupier thereof, or in connection with any retail trade or business for the person by whom it is carried on, shall be deemed to be employed, notwithstanding that he receives no reward for his labour.
- (10) For the purposes of this section, employment in connection with a wholesale shop or a warehouse occupied by a wholesale dealer or merchant which is neither—
- (a) employment within the premises; nor
 - (b) employment in the collection or delivery of goods or in attendance upon customers or in carrying messages or running errands,

shall not be deemed to be employment about the business of a shop ; but, save as aforesaid, any employment in the service of the occupier of a shop upon any work, whether within the shop or outside it, which is ancillary to the business carried on at the shop shall be deemed to be employment about the business of a shop, and that expression shall be construed accordingly.

39 Apportionment of expenses under last section

- (1) If any person, being either the owner or the occupier of a shop, who has incurred or is about to incur any expense for the purpose of securing that the requirements of the last foregoing section are complied with with respect to the shop, alleges that the whole or any part of the expense ought to be borne by any other person having an interest in the premises, he may apply to the county court for the district in which the shop is situated and that court may make such order concerning the expenses or their apportionment as appears to the court, having regard to all the circumstances of the case, including the terms of any contract between the parties, to be just and equitable, and any order made under this section may direct that any such contract as aforesaid shall cease to have effect in so far as it is inconsistent with the terms of the order.
- (2) In this section the expression " shop " includes any wholesale shop and any warehouse occupied for the purposes of his trade by any person carrying on any retail trade or business or by any wholesale dealer or merchant.