



Shops Act 1950

1950 CHAPTER 28

PART II

CONDITIONS OF EMPLOYMENT

Hours of Employment of Young Persons

24 Hours of employment of persons between 16 and 18

- (1) Subject to the following provisions of this Part of this Act, no young person between the ages of sixteen and eighteen years shall be employed about the business of a shop for more than the normal maximum working hours, that is to say, forty-eight working hours in any week.
- (2) On occasions of seasonal or exceptional pressure of work at any shop, young persons between the ages of sixteen and eighteen years may, subject as hereinafter provided, and subject to the provisions of any other enactment, be employed about the business of the shop overtime, that is to say, in excess of the normal maximum working hours:

Provided that in the case of any shop—

- (a) when in any year there have been six weeks (whether consecutive or not) in which young persons have been employed overtime about the business of the shop, no young person shall be so employed during the remainder of that year;
 - (b) no young person shall be employed overtime about the business of the shop—
 - (i) in any year after he has been employed overtime about the business of the shop for fifty working hours in that year ;
 - (ii) in any week after he has been employed overtime about the business of the shop for twelve working hours in that week.
- (3) In the case of any contravention of the provisions of this section, the occupier of the shop shall be liable to a fine not exceeding ten pounds for every person in respect of whom the contravention occurs.
 - (4) 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;

" year " means the period between midnight on the last Saturday night in the month of December and midnight on the last Saturday night in the next month of December.

25 Hours of employment of persons between 16 'and 18 in catering trade

- (1) The occupier of any shop in which there is carried on the business of serving meals, intoxicating liquors, or refreshments to customers for consumption on the premises may, by exhibiting a notice to that effect, secure that the provisions of this subsection will, during a period of two consecutive weeks specified in the notice, be applicable to that shop, and when such a notice has been duly exhibited in the prescribed form and in the prescribed manner and at such time before the period therein specified as may be prescribed, then—
- (a) a young person between the ages of sixteen and eighteen years whose employment is wholly or mainly in connection with the said business, shall be deemed, for the purposes of the last foregoing section, not to be employed about the business of the shop in excess of the normal maximum working hours in either week of the period specified in the notice, if he is employed about the business thereof neither for more than sixty working hours in either week nor for more than ninety-six hours throughout the period ; and
 - (b) the provisions of the last foregoing section permitting employment overtime shall not apply during the period specified in the notice in relation to young persons whose employment is such as aforesaid:

Provided that, after the provisions of this subsection have been applicable to any shop during twelve such periods beginning in any calendar year, the said provisions shall not again be applicable to the shop in that year.

- (2) If the occupier of any shop gives notice that he elects that the provisions of this subsection shall not be applicable to that shop, then, unless and until the notice is withdrawn, the said provisions shall not be applicable thereto, but as respects business carried on at any shop to which the said provisions are not so rendered inapplicable—
- (a) proviso (a) to subsection (2) of the last foregoing section shall not apply to the overtime employment of persons whose employment is wholly or mainly in connection with the business of serving meals, intoxicating liquors, or refreshments to customers for consumption on the premises, and
 - (b) if other business is carried on in the shop, the overtime employment of persons in relation to whom this subsection applies shall not be taken into account for the purposes of the application of the said proviso in relation to other young persons:

Provided that, while the provisions of this subsection are applicable to a shop, the last foregoing section shall, in relation to any young persons so employed in connection with the business aforesaid, have effect as if in proviso (b) to subsection (2) thereof there were inserted the following additional paragraph, that is to say—

“(iii) in any period of two consecutive weeks so that he is employed overtime about the business of the shop for more than eight working hours in that period.”

- (3) A notice given under the last foregoing subsection with respect to any shop, and a notice withdrawing any such notice as aforesaid, shall be given in such form, in such manner, and subject to such conditions as may be prescribed, to the local authority whose duty it is to enforce this section within the district in which the shop is situated, and any such notice shall take effect on such date after it is given as may be prescribed.

26 Hours of employment of persons between 16 and 18 selling accessories for aircraft, motor vehicles and cycles

- (1) If the occupier of any shop in which there is carried on the business of serving customers with supplies or accessories for aircraft, motor vehicles, or cycles sold for immediate use gives notice that he elects that the provisions of this subsection shall be applicable to that shop, then, unless and until the notice is withdrawn, in relation to young persons between the ages of sixteen and eighteen years employed in connection with the business aforesaid, the normal maximum working hours shall, instead of being forty-eight working hours in any week, be such number of hours, being neither more than fifty-four in any week nor more than one hundred and forty-four in any period of three consecutive weeks, as may be specified in the notice, and section twenty-four of this Act shall have effect accordingly:

Provided that, while the provisions of this subsection are applicable to a shop, section twenty-four of this Act shall in relation to any young person employed in connection with the business aforesaid have effect as if in proviso (b) to subsection (2) thereof there were inserted the following additional paragraphs, that is to say—

- “(iii) (a) in any week after he has been employed about the business of the shop for fifty-four working hours in that week;
- (b) in any period of three consecutive weeks so that he is employed overtime about the business of the shop for more than twelve working hours in that period.”

- (2) If the occupier of any shop gives notice that he elects that the provisions of this subsection shall not be applicable to that shop then, unless and until the notice is withdrawn, the said provisions shall not be applicable thereto, but as respects business carried on at any shop to which the said provisions are not so rendered inapplicable—
- (a) proviso (a) to subsection (2) of section twenty-four of this Act shall not apply to the employment of persons employed in connection with the business of serving customers with supplies or accessories for aircraft, motor vehicles or cycles sold for immediate use, and
- (b) if other business is carried on in the shop, the overtime employment of persons in relation to whom this subsection applies shall not be taken into account for the purposes of the application of the said proviso in relation to any other young persons:

Provided that, while the provisions of this subsection are applicable to a shop, section twenty-four of this Act shall, in relation to any young person employed in connection with the business aforesaid, have effect as if in proviso (b) to subsection (2) thereof there were inserted the following additional paragraph, that is to say—

- “(iii) (b) in any period of three consecutive weeks so that he is employed overtime about the business of the shop for more than twelve working hours in that period.”

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- (3) A notice given under subsection (1) or under subsection (2) of this section with respect to any shop and a notice withdrawing any such notice as aforesaid shall be given in such form, in such manner and subject to such conditions as may be prescribed to the local authority whose duty it is to enforce this section within the district in which the shop is situated, and any such notice shall take effect on such date after it is given as may be prescribed.
- (4) Where two or more retail trades or businesses are carried on in the same shop, and the business of serving customers with supplies or accessories for aircraft, motor vehicles, or cycles sold for immediate use is not the principal retail trade or business carried on in the shop, the provisions of this section shall apply only in relation to young persons employed about the business of the shop who are wholly or mainly employed in connection with the business of serving customers with such supplies or accessories as aforesaid.
- (5) 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.

27 Hours of employment of persons under 16

- (1) Subject to the provisions of this section, no person who has not attained the age of sixteen years shall be employed about the business of a shop for more than the normal maximum working hours, that is to say, forty-four working hours in any week.
- (2) The occupier of a shop may, by exhibiting a notice to that effect, secure that the next following subsection shall be applicable to the shop during the week within which Christmas Day falls and either the week before or the week after that week, as may be specified in the notice.
- (3) When such a notice has been duly exhibited in the prescribed form and in the prescribed manner and at such time before the period therein specified as may be prescribed, then, in relation to a young person employed about the business of the shop who has not attained the age of sixteen years, the normal maximum working hours shall, as respects the period specified in the notice, be neither more than forty-eight in either week of that period nor more than eighty-eight throughout that period.
- (4) In the case of any contravention of the provisions of this section, the occupier of the shop shall be liable to a fine not exceeding ten pounds for every person in respect of whom the contravention occurs.
- (5) 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.

28 Employment partly in factory and partly in shop

- (1) No young person who has to the knowledge of the occupier of a shop been previously employed on any day in a factory shall be employed on that day about the business of the shop for a longer period than will, together with the time during which he has been previously employed on that day in the factory, complete the number of hours permitted by the Factories Acts, 1937 and 1948.

- (2) In the case of any contravention of the provisions of this section, the occupier of the shop shall be liable to a fine not exceeding ten pounds for every person in respect of whom the contravention occurs.
- (3) 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.

29 Method of computing hours of employment

- (1) In determining for the purposes of this Part of this Act the number of working hours for which a young person has in any week or period of two or three consecutive weeks been ..employed about the business of any shop, he shall be deemed to have been also employed about the business thereof during -any time during which he was in that week or period employed—
 - (a) about the business of any other shop ;
 - (b) in a factory;
 - (c) in or in connection with any process (not being a process to which section one hundred and six of the Factories Act, 1937, applies) carried on at any dock, wharf or quay to which section one hundred and five of the Factories Act, 1937, applies or any warehouse (except a warehouse which forms part of a factory or a 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) 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;
 - (d) in or in connection with the processes of loading, unloading or coaling any ship in any dock, harbour or canal;
 - (e) in the collection or delivery of goods, or in any carrying, loading or unloading of goods incidental to the collection or delivery thereof;
 - (f) in connection with a business carried on at any premises in carrying messages or running errands, being employment wholly or mainly outside the premises;
 - (g) in collecting, carrying or delivering goods, carrying messages or running errands, being employed in connection with any business carried on at such a dock, wharf, quay or warehouse as is mentioned in paragraph (c) of this subsection and by a person having such use or occupation as is therein mentioned ;
 - (h) at a residential hotel or club in carrying messages or running errands, or in connection with the reception of guests or members thereat;
 - (i) in connection with the business carried on at any premises where a newspaper is published, in carrying messages or running errands;
 - (j) at a place of public entertainment or amusement, or at a public swimming-bath, bathing place or turkish bath, for carrying messages or running errands, or in the reception of or attendance upon persons resorting thereto;
 - (k) elsewhere than in a private dwelling-house, in the operation of a hoist or lift connected with mechanical power;
 - (l) in, or in connection with, the operation of cinematograph apparatus;
 - (m) at any premises occupied for the purposes of a laundry, dyeing or cleaning works or other factory, in receiving or despatching goods.

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- (2) If in any proceedings against the occupier of a shop in respect of a contravention of the provisions of this Part of this Act it is shown that the contravention occurred only by reason of time during which a young person was employed by another employer being deemed, in accordance with the provisions of this section, to be time during which he was employed about the business of that shop, it shall be a defence to prove that the occupier did not know and could not with reasonable diligence have ascertained that the young person was employed for that time by the other employer.
- (3) 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, and for the purposes of subsection (1) of this section—
- (a) the expression "premises" means, in relation to a young person, premises occupied by his employer for the purposes of the business in connection with which that person is employed ; and
 - (b) the carrying on of a club shall be deemed to be a business notwithstanding that the club is not carried on for the purposes of profit:

Provided that, for the purposes of paragraphs (c), (d) and (g) of that subsection, the foregoing provisions of this subsection shall not apply but section one hundred and fifty-two of the Factories Act, 1937, shall apply for the interpretation of those paragraphs.

30 Power to regulate employment in spells

- (1) If the Secretary of State is satisfied that it is necessary to make provision for preventing the hours of employment of young persons from being so divided into spells as to deprive them of reasonable opportunities for instruction and recreation, he may make regulations directing that, subject to such exceptions and modifications as may be provided by the regulations, the working hours of a young person employed shall (notwithstanding anything in the definition of the expression "working hours" contained in this Act) be deemed, for the purposes of this Part of this Act, to include the period from the time at which that person first begins on any day to be employed about the business of a shop until the time at which he last ceases on that day to be so employed, exclusive only—
- (a) of such intervals, whether for rest or meals or otherwise ; and
 - (b) of time allowed for attendance at such instructional courses,
- as may be specified in the regulations.
- (2) The power under this section to make regulations shall be exercisable by statutory instrument, and any such statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) 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.

31 Night employment

- (1) A young person who is employed about the business of a shop 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:

Provided that the said interval of eleven consecutive hours need not include the hour between five and six o'clock in the morning in the case of male persons between the ages of sixteen and eighteen years who are employed during that hour in connection with the collection or delivery of milk or bread or newspapers.

- (2) As respects male persons between the ages of sixteen and eighteen years whose employment is wholly or mainly in connection with the business of serving meals to customers for consumption on the premises, the interval of at least eleven consecutive hours required by this section need not include any time between ten o'clock in the evening and midnight during which they are wholly employed in connection with that business.
- (3) As respects young persons between the ages of sixteen and eighteen employed wholly or mainly in connection with any retail trade or business carried on in a theatre where a performance is taking place which begins before and ends after ten o'clock in the evening, the interval of at least eleven consecutive hours required by this section need not include any time between ten o'clock in the evening and the time at which the performance ends.
- (4) In the case of any contravention of the provisions of this section, the occupier of the shop shall be liable to a fine not exceeding ten pounds for every person in respect of whom the contravention occurs.
- (5) 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.

32 Records

- (1) Subject to the provisions of this section, the occupier of any shop about the business of which young persons are employed shall in the prescribed form and in the prescribed manner keep a record of the hours worked by, and of the intervals allowed for rest and meals to, every young person employed about the business of the shop, and particulars of all employment overtime shall be separately entered in the record.
- (2) If the occupier of any shop keeps exhibited in the prescribed manner in the shop or in any department thereof notices in the prescribed form specifying the daily hours to be worked by, and intervals for rest and meals to be allowed to, young persons employed about the business of the shop or of the department, as the case may be, he need only enter in the said record any time during which any such person is employed about the business of the shop or department outside the daily hours so specified or during the intervals so specified:

Provided that any such time shall be entered as, and shall be deemed to be, overtime, unless the time was worked by that person in lieu of time not worked by him during the same week within the specified daily hours, and both the time not so worked and the time worked in lieu thereof are entered in the record.

- (3) The occupier of any shop about the business of which young persons are employed shall in the prescribed form and in the prescribed manner keep exhibited in the shop notices setting forth the number of hours in the week during which young persons may

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in accordance with the provisions of this Act be employed about the business of the shop and such other particulars as may be prescribed.

- (4) The provisions of the last foregoing subsection shall not apply as respects any place in which retail trade or business is carried on, not being a shop.
- (5) In the case of any contravention of the foregoing provisions of this section, the occupier of the shop shall be liable to a fine not exceeding five pounds for every day on which the contravention occurs or continues.
- (6) If any person with intent to deceive makes, or causes or allows to be made, in any such record or notice as aforesaid an entry which is to his knowledge false in any material particular, or wilfully omits or causes or allows to be omitted from any such record or notice an entry required to be made therein, he shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding twenty pounds, or to both such imprisonment and fine.
- (7) 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.

33 Extension of foregoing provisions as to young persons to retail trading elsewhere than in shops

The provisions of section twenty-four and sections twenty-seven to thirty-two of this Act shall extend to the employment of young persons in connection with any retail trade or business carried on in any place not being a shop, and accordingly—

- (a) in those provisions references to employment about the business of a shop shall be deemed to include references to such employment as aforesaid, and
- (b) for the purposes of the application of those provisions to such employment, references in this Act to a shop shall be deemed to include references to the place in or from which the retail trade or business is carried on, and references to the occupier of a shop shall be deemed to include references to the person by whom the retail trade or business is carried on.

34 Cases where foregoing provisions as to employment of young persons do not apply

- (1) Sections twenty-four to thirty-three of this Act shall not apply to—
 - (a) any person employed in a residential hotel who is not a shop assistant within the meaning of section seventy-four of this Act, or, in the case of a person employed at premises to which the provisions of section twenty-one of this Act apply, is not wholly or mainly employed there in connection with the business of selling intoxicating liquors or refreshments for consumption on the premises;
 - (b) the employment of persons in or about a theatre except in relation to young persons employed wholly or mainly in connection with any retail trade or business carried on in the theatre.
- (2) Sections twenty-four to thirty-three of this Act, except for the provisions of sections twenty-eight and twenty-nine in so far as they relate to employment in a factory, shall not apply with respect to the employment of persons whose hours of employment are regulated by or under the Factories Acts, 1937 and 1948.

For the purposes of this subsection, employment wholly or mainly outside a factory in collecting, carrying or delivering goods, carrying messages or running errands, being employment for the purposes of retail trade or business carried on from the factory, shall be deemed not to be employment in the business of the factory.

35 Birth certificates

- (1) Where the age of any person is required to be ascertained or proved for the purposes of this Part of this Act, any person shall, on presenting a written requisition in such form and containing such particulars as may be from time to time directed by the Registrar-General and on payment of a fee of sixpence, be entitled to obtain a certified copy under the hand of a registrar or superintendent registrar of the entry in the register under the Births and Deaths Registration Acts, 1836 to 1929, of the birth of that person ; and such a form of requisition shall on request be supplied without charge by every registrar and superintendent registrar of births, deaths and marriages.
- (2) This section shall have effect in Scotland as if for references to the Registrar-General and the Births and Deaths Registration Acts, 1836 to 1929, there were respectively substituted references to the Registrar-General of Births, Deaths and Marriages in Scotland and the Registration of Births, Deaths and Marriages (Scotland) Acts, 1854 to 1938, and as if any reference to a superintendent registrar were omitted.

36 Interpretation of provisions as to employment of young persons

- (1) For the purposes of sections twenty-four to thirty-five of this Act, 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.
- (2) For the purposes of the said sections, 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 the 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 the shop, and that expression shall be construed accordingly.