
STATUTORY INSTRUMENTS

1986 No. 2312

FACTORIES

The Factories Act (Hours of Employment Orders and Regulations) Revocation and Amendment Order 1986

Made - - - 18th December 1986
Laid before Parliament 16th January 1987
Coming into operation 27th February 1987

Whereas Part VI of the Factories Act 1961(a) ("the 1961 Act") was amended by section 7 of, and Part III of the Schedule to, the Sex Discrimination Act 1986(b) ("the 1986 Act"), the Secretary of State, in exercise of the powers conferred on him by section 7(4) of the 1986 Act and of all other powers enabling him in that behalf, hereby makes the following Order—

Citation and commencement

1. This Order may be cited as the Factories Act (Hours of Employment Orders and Regulations) Revocation and Amendment Order 1986, and shall come into operation on 27th February 1987.

Revocations and amendments

2. The following Regulations are hereby revoked:

- The Aerated Water Manufacture (Overtime) Regulations 1938(c);
- The Biscuit Manufacture (Overtime) Regulations 1938(d);
- The Bottling of Beer, Wines and Spirits (Overtime) Regulations 1940(e);
- The Bread, Flour Confectionery and Sausage Manufacture (Overtime) Regulations 1939(f);
- The Chocolates and Sugar Confectionery (Overtime) Regulations 1938(g);
- The Florist (Overtime) Regulations 1938(h);
- The Glass Bottles and Jars (Overtime) Regulations 1938(i);
- The Ice Cream (Overtime) Regulations 1939(j);
- The Laundries (Overtime) Regulations 1938(k);
- The Net Mending (Overtime) Regulations 1939(l);
- The Poultry Preparation (Overtime) Regulations 1958(m);

(a) 9 & 10 Eliz. 2. c. 34. (b) 1986 c. 59.

- (c) S.R. & O. 1938/727.
- (d) S.R. & O. 1938/1528.
- (e) S.R. & O. 1940/729.
- (f) S.R. & O. 1939/509.
- (g) S.R. & O. 1938/1245.
- (h) S.R. & O. 1938/1163.
- (i) S.R. & O. 1938/1612.
- (j) S.R. & O. 1939/857.
- (k) S.R. & O. 1938/728.
- (l) S.R. & O. 1939/1490.
- (m) S.I. 1958/1819.

These Regulations were made in pursuance of the powers conferred by section 73 of the Factories Act 1937/Edw.8 & /Geo.6. c.67 and have effect as if made under section 89 of the 1961 Act, by virtue of paragraph 2 of Schedule 6 to the 1961 Act. Section 89 was amended by Part III of the Schedule to the 1986 Act.

The Laundries, Manufacture of Bread, etc. (Hours and Intervals) Modification Regulations 1938(a).

3. Regulations 1, 2 and 3 of the Dyeing and Cleaning (Overtime) Regulations 1939(b) are hereby revoked.

4. The Factories (Evening Employment) Order 1950(c) is hereby revoked.

5. The following orders are amended to the extent specified in the Schedule to this Order:

The Shift System in Factories and Workshops (Consultation of Workpeople) Order 1936(d);

The Cotton Factories (Length of Spell Exemption) Order 1947(e).

6. The following Regulations are amended to the extent specified in the Schedule to this Order:

The Factory Overtime (Separation of Different Parts or Sets) Regulations 1938(f);

The Factory (Individual Overtime) Regulations 1938(g);

The Bread, Flour Confectionery and Sausage Manufacture (Commencement of Employment) Regulations 1939(h);

The Factories (Intervals for Women and Young Persons) Regulations 1938(i);

The Factories (Saturday Exception) Regulations 1940(j);

The Factories Act Holidays (Different Days for Different Sets) Regulations 1947(k);

The Fruit and Vegetable Preserving (Hours of Women and Young Persons) Regulations 1939(l);

The Milk and Cheese Factories (Hours of Women and Young Persons) Regulations 1949(m);

The Factories (Separation for Certain Purposes) Regulations 1939(n).

(a) S.R. & O. 1938/729. These Regulations were made in pursuance of the powers conferred by sections 92 and 93 of the Factories Act 1937 and have effect as if made under sections 110 and 111 of the 1961 Act, by virtue of paragraph 2 of Schedule 6 to the 1961 Act. Sections 110 and 111 were amended by Part III of the Schedule to the 1986 Act.

(b) S.R. & O. 1939/642. These Regulations were made in pursuance of the powers conferred by section 73 of the Factories Act 1937 and have effect as if made under section 89 of the 1961 Act, by virtue of paragraph 2 of Schedule 6 to the 1961 Act. Section 89 was amended by Part III of the Schedule to the 1986 Act.

(c) S.I. 1950/1837. This Order was made in exercise of the powers conferred by Regulation 59 of the Defence (General) Regulations 1939, continued in force by section 31(2) of the Factories Act 1959, 7 & 8 Eliz. 2. c. 67, and has effect as if made under section 117 of the 1961 Act, by virtue of paragraph 7 of Schedule 6 to the 1961 Act.

(d) S.R. & O. 1936/1367. This Order was made in pursuance of subsection (2) of section 1 of the Employment of Women and Young Persons Act 1936, 26 Geo. 5 & 1 Edw. 8. c. 24 and has effect as if made under section 97 of the Factories Act 1961, by virtue of paragraph 2 of Schedule 6 to the 1961 Act. Section 97 was amended by Part III of the Schedule to the 1986 Act.

(e) S.R. & O. 1947/2600. This Order was made in exercise of the powers conferred by Regulation 59 of the Defence (General) Regulations 1939, continued in force by section 31(2) of the Factories Act 1959, and has effect as if made under section 117 of the 1961 Act, by virtue of paragraph 7 of Schedule 6 to the 1961 Act.

(f) S.R. & O. 1938/640.

(g) S.R. & O. 1938/1228.

(h) S.R. & O. 1939/510.

(i) S.R. & O. 1938/607.

(j) S.R. & O. 1940/109.

(k) S.R. & O. 1947/184.

(l) S.R. & O. 1939/621.

(m) S.I. 1949/35.

(n) S.R. & O. 1939/1888.

These Regulations were made in pursuance of the powers conferred by sections 73(8), 73(9), 83, 84, 89, 90, 94, 95 and 151(8) respectively of the Factories Act 1937 and have effect as if made under sections 89(8), 89(9), 101, 102, 107, 108, 112, 113 and 175(8) respectively of the 1961 Act, by virtue of paragraph 2 of Schedule 6 to the 1961 Act. Sections 89, 101, 102, 107, 108, 112 and 113 were amended by section 7(3) of, and Part III of the Schedule to, the 1986 Act.

Signed by order of the Secretary of State.

John Lee,
Parliamentary Under Secretary of State,
Department of Employment.

18th December 1986.

SCHEDULE

Articles 5 and 6

Instrument

Amendments

The Shift System in Factories and Workshops (Consultation of Workpeople) Order 1936

Preamble and words of enactment: omit the words "women or".
Schedule: Prescribed form of certificate of result of ballot: omit the words "women and" and omit the sidenote marked "†".

The Cotton Factories (Length of Spell Exemption) Order 1936

Article 3: omit the words "woman or", wherever they occur and the words "women and".

The Factory Overtime (Separation of Different Parts or Sets) Regulations 1938

Regulation 1: omit the words "woman or".
Regulation 2: omit the words "woman or".
Schedule: omit the words "woman or", wherever they occur.

The Factory (Individual Overtime) Regulations 1938

For Regulation 3 substitute the following:
"3. No young person shall be employed overtime in the factory for more than fifty hours in any calendar year."
Regulation 4: omit the words "woman or".
Regulation 5: omit the words "women and".
Regulation 6: omit the words "women or", wherever they occur and in paragraph 2(b) omit the words "women and".

The Bread, Flour Confectionery and Sausage Manufacture (Commencement of Employment) Regulations 1939

Regulation 1: omit the words "women and".

The Factories (Intervals for Women and Young Persons) Regulations 1938

Regulation 1: omit the words "women and".
Regulation 2: omit the words "women and", wherever they occur.

The Factories (Saturday Exception) Regulations 1940

Regulation 1: omit the words "women and".
Regulation 2: omit the words "women and", wherever they occur.

The Factories Act Holidays (Different Days for Different Sets) Regulations 1947

Regulation 1: omit the words "women and" wherever they occur.
Regulation 2: omit the words "woman or" wherever they occur.
Heading to Regulation 3: omit the words "women and".

SCHEDULE *contd.*

Instrument

The Fruit and Vegetable Preserving
(Hours of Women and Young Persons)
Regulations 1939

The Milk and Cheese Factories (Hours of
Women and Young Persons) Regulations
1949

The Factories (Separation for Certain Pur-
poses) Regulations 1939

Amendments

Preamble and words of enactment: delete the words "women and".

Regulation 1: omit the words "woman or"; in paragraph (a) omit the words following the word "fifty-four" to the end of the paragraph; in paragraphs (b), (c), (d) and (e) omit the words "woman or", wherever they occur.

Regulation 2: omit the words "women and", "woman or" and the words following "morning" in the second place where it occurs to the semi-colon, and the words "women or".

Omit the whole of Regulations 3, 4 and 6.

Regulation 7: omit the words "woman and" and the words "women and".

Regulation 3: omit the words "women and".

Regulation 4: omit the words "women and", wherever they occur.

Regulation 5: omit the words "women and".

Regulation 6: omit the words "woman or", wherever they occur.

Regulation 7: omit the words "woman or", wherever they occur; in sub-paragraph (b) of paragraph (1) omit the words following the word "year"; in sub-paragraph (f) of paragraph (1) omit the words "woman and" and "women and", wherever they occur; in paragraph (2) omit the words "women and".

Regulation 8: omit the words "women and", wherever they occur.

Regulation 1: omit the words "women and" and the words "women or for all young persons or for all women or."

Regulation 4: omit the words "women and" and the words from "woman" to "or".

Regulation 6: omit the words "women and".

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order revokes various instruments and amends others, which were made under the Factories Act 1937 and other legislation but have effect as if made under the Factories Act 1961. The revocations and amendments are made in consequence of amendments by the Sex Discrimination Act 1986 to the provisions in the Factories Act which relate to the hours and holidays of women and young persons. The amendments made by the 1986 Act, which remove all references to women from those provisions, are brought into force by Commencement Order on the same day as this Order comes into operation. The Regulations revoked by this Order extended the hours that could normally be worked by women in factories.