



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);

F1

“fish” includes molluscs and crustaceans;

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

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F3

F4

“the Minister” means [^{F5}the Secretary of State];

“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 rackrent, and

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(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, ^{F6}or person entitled to act as legal representative of a person under disability by reason of nonage or mental or other incapacity], 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;

^{F3}

^{F7}

^{F3}

“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) ^{F8}

(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 ^{M1}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) ^{F9}

(c) a member of a police force maintained by ^{F10}a local policing body or] a police authority, ^{F11}or]

^{F12}(d) a member of a police force seconded to the ^{F13}National Crime Agency to serve as a National Crime Agency officer.]

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- (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.

Textual Amendments

- F1** Definitions repealed by [S.I. 1974/1943, reg. 4, Sch. 1](#) and [S.I. 1976/2005, Sch.](#)
- F2** Definition of “local authority” repealed by [S.I. 1977/746, Sch. 4](#)
- F3** Definitions of “magistrates’ court”, “petty sessions area” and “police authority” in s. 90(1) repealed (5.11.1993) by c. 50, s. 1(1), Sch. 1 Pt. XIV Group 3.
- F4** Definition repealed by [S.I. 1974/1943, reg. 4, Sch. 1](#)
- F5** Words substituted by virtue of [S.I. 1968/729, art. 3\(2\)](#)
- F6** Words in s. 90(1) in definition of “owner” substituted (S.) (2.4.2001 for specified purposes and otherwise 1.4.2002) by [2000 asp 4, s. 88\(2\), Sch. 5 para. 9](#); [S.S.I. 2001/81, arts. 2, 3, Schs. 1, 2](#)
- F7** Words in s. 90 repealed (24.11.2005) by [Licensing Act 2003 \(c. 17\), s. 201\(2\), Sch. 6 para. 33, Sch. 7](#) (with [ss. 2\(3\), 15\(2\), 195](#)); [S.I. 2005/3056, art. 2\(2\)](#) (with art. 4)
- F8** S. 90(2) repealed by [Electricity Act 1989 \(c. 29, SIF 44:1\), ss. 102, 112\(3\), Sch. 17 para. 35\(1\), Sch. 18](#)
- F9** S. 90(4)(b) repealed by [Registration of Births, Deaths and Marriages \(Scotland\) Act 1965 \(c. 49\), Sch. 2](#)
- F10** Words in s. 90(4)(c) inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 83](#); [S.I. 2011/3019, art. 3, Sch. 1](#)
- F11** Word in s. 90(4)(c) inserted (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\), s. 178\(8\), Sch. 4 para. 10\(a\)](#); [S.I. 2006/378, art. 4\(1\), Sch. para. 10](#)
- F12** S. 90(4)(d) substituted (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\), s. 178\(8\), Sch. 4 para. 10\(b\)](#); [S.I. 2006/378, art. 4\(1\), Sch. para. 10](#)
- F13** Words in s. 90(4)(d) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(2\), Sch. 8 para. 17](#); [S.I. 2013/1682, art. 3\(v\)](#)

Marginal Citations

- M1** [1953 c. 37.](#)

Changes to legislation:

There are currently no known outstanding effects for the Offices, Shops and Railway Premises Act 1963, Section 90.