



# Factories Act 1937

1937 CHAPTER 67 1 Edw 8 and 1 Geo 6

## PART VI

EMPLOYMENT OF WOMEN AND YOUNG PERSONS.

*Regulation of Employment of Young Persons in certain occupations.*

### 98 Regulation of employment of young persons in certain occupations.

- (1) This section applies to young persons—
- (a) employed in collecting, carrying or delivering goods, carrying messages or running errands, being employed in the business of a factory wholly or mainly outside the factory or being employed in connection with any business carried on at a dock, wharf, or quay to which section one hundred and five of this Act applies, or any warehouse (except a warehouse which forms part of a factory or to which the Shops Act, 1934, applies), 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; or
  - (b) employed in or in connection with any process (not being a process to which section one hundred and six of this Act applies) carried on at any such dock, wharf, quay, or warehouse and by a person having such use or occupation as aforesaid, or in or in connection with the processes of loading, unloading or coaling any ship in any dock, harbour or canal.
- (2) The employment of all such young persons as aforesaid shall, subject as hereinafter provided, conform to the following conditions, that is to say :—
- (a) the total hours worked, exclusive of intervals allowed for meals and rest, shall, subject to the provisions hereinafter contained relating to overtime, not exceed forty-eight in any week;
  - (b) the young person shall not be employed continuously for a spell of more than five hours without an interval of at least half an hour for a meal or rest, and where the hours of employment include the hours from half-past eleven in the

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- morning to half-past two in the afternoon, an interval of not less than three-quarters of an hour shall be allowed between these hours for dinner;
- (c) on at least one weekday in each week, to be notified in the prescribed form and manner, the young person shall not be employed after one o'clock in the afternoon;
  - (d) the young person, if he has attained the age of sixteen, may, on occasions of seasonal or other special pressure or in cases of emergency, work overtime, that is to say, in excess of the permitted weekly hours, but his hours of overtime work shall not exceed six in any week or fifty in any calendar year, and where any employer has employed overtime any young persons to whom this section applies in twelve weeks (whether consecutive or not) in any calendar year, neither he nor any person succeeding to his business shall employ young persons to whom this section applies overtime during the remainder of that year ;
  - (e) the young person 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;
  - (f) the employer of any young persons to whom this section applies shall keep in the prescribed form and manner a record of the prescribed particulars as to the young persons, including particulars of the hours worked by them and of the intervals allowed to them for meals and rest, and particulars of all overtime employment shall be separately entered in the record;
  - (g) section seventy-one of this Act (which provides for the reduction of weekly hours of work of young persons under sixteen to forty-four hours), section seventy-seven of this Act (which prohibits Sunday employment), section seventy-eight (which relates to annual holidays), and section ninety-one (which relates to employment on Sundays and Saturdays in Jewish factories) shall apply, subject to the prescribed adaptations, to the employment of young persons to whom this section applies;
  - (h) any further conditions, which may include conditions with respect to the daily period of employment, prescribed by regulations of the Secretary of State, for the purpose of safeguarding the welfare and interests of the young persons or any class of them, shall be complied with.
- (3) Where a young person to whom this section applies is, in addition to being employed in employment mentioned in subsection (1) of this section, also employed by the same employer in any other employment, any reference in the last foregoing subsection to employment shall, in relation to that young person, include a reference to that other employment.
- (4) The employer of any young person to whom this section applies may give notice to the inspector for the district that he wishes to substitute for the provisions of this section the foregoing provisions of this Part of this Act, and, unless and until the notice is withdrawn by another notice, those provisions shall apply accordingly, subject to the prescribed adaptations, to all such young persons employed by him. Any notice given under this subsection (including a notice of withdrawal) shall be in the prescribed form and shall take effect from such date after it is given as may be prescribed.
- (5) For the purposes of this section, a young person shall be deemed to be employed by the person for whom he works, whether or not he receives any wages for his work.

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- (6) Subsection (3) of section one of the Shops Act, 1934, shall have effect as if the reference therein to employment in a factory or workshop included a reference to any such employment as is mentioned in subsection (1) of this section.