



# Factories Act 1961

1961 CHAPTER 34 9 and 10 Eliz 2

## PART VI

### EMPLOYMENT OF WOMEN AND YOUNG PERSONS

86— ..... F1  
94.

#### Textual Amendments

**F1** Ss. 86–94, 96–109, 112–116, repealed by [Employment Act 1989](#) (c. 38, SIF 43:1), ss. 10(1)(a), 29(4), Sch. 3 Pt. I, **Sch. 7 Pt. II**

95 ..... F2

#### Textual Amendments

**F2** Ss. 95, 110–111 repealed by [Sex Discrimination Act 1986](#) (c. 59, SIF 106:1), s. 9(2), **Sch. Pt. III**

96— ..... F3  
109.

#### Textual Amendments

**F3** Ss. 86–94, 96–109, 112–116, repealed by [Employment Act 1989](#) (c. 38, SIF 43:1), ss. 10(1)(a), 29(4), Sch. 3 Pt. I, **Sch. 7 Pt. II**

110— ..... F4  
111.

*Status: Point in time view as at 30/08/1993.*

*Changes to legislation: There are currently no known outstanding effects for the Factories Act 1961, Part VI. (See end of Document for details)*

**Textual Amendments**

**F4** Ss. 95, 110–111 repealed by Sex Discrimination Act 1986 (c. 59, SIF 106:1), s. 9(2), **Sch. Pt. III**

**112—** ..... **F5**  
**116.**

**Textual Amendments**

**F5** Ss. 86–94, 96–109, 112–116, repealed by Employment Act 1989 (c. 38, SIF 43:1), ss. 10(1)(a), 29(4), Sch. 3 Pt. I, **Sch. 7 Pt. II**

*Exemptions in interest of efficiency of industry or transport*

**117 Exemptions from provisions regulating hours of employment.**

- (1) Where the Minister is satisfied, on an application made to him in that behalf, that it is desirable in the public interest to do so for the purpose of maintaining or increasing the efficiency of industry . . . <sup>F6</sup>, he may, after such consultations as he may think appropriate or as may be required under subsection (5) of this section, exempt the employment of persons [<sup>F7</sup>(other than children)] from . . . <sup>F6</sup>,—
  - (a) ..... <sup>F8</sup>
  - (b) ..... <sup>F9</sup>
 (0 <sup>F9</sup> the <sup>M1</sup>Hours of Employment (Conventions) Act 1936.
- (2) An exemption granted under this section may extend to the employment of persons generally, of a class of persons or of particular persons, and to employment generally, or any class of employment or particular employment, and may be granted to such extent and on such conditions as may be specified in the instrument by which it is granted and, subject to subsection (4) of this section, either indefinitely or for such period as may be so specified.
- (3) An exemption under this section extending only to particular persons or a particular employment or to a class of persons or employment defined by reference to particular premises or to work supervised from particular premises, and any exemption under this section for a particular day or particular days only, shall be granted by order, to be known as a special exemption order, and any other exemption under this section shall be granted by [<sup>F10</sup>regulations,] to be known as general exemption regulations.
- (4) An exemption granted by a special exemption order shall not be for more than one year, without prejudice however to the granting of the like exemption for further periods by further special exemption orders.
- (5) The Minister shall not make general exemption regulations except—
  - (a) on the application of a joint industrial council, conciliation board or other similar body constituted by organisations which appear to him to be representative respectively of workers and employers concerned; or
  - <sup>F11</sup>(b) .....

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- (c) on the joint application of an organisation which appears to him to be representative of employers concerned and of an organisation which appears to him to be representative of workers concerned; or
  - (d) on the application of an organisation which appears to him to be representative of employers concerned and after consulting an organisation which appears to him to be representative of workers concerned; or
  - (e) on the application of an organisation which appears to him to be representative of workers concerned and after consulting an organisation which appears to him to be representative of employers concerned.
- (6) The Minister shall publish in the London Gazette such particulars of special exemption orders as he considers appropriate.
- (7) In this section “organisation” includes—
- (a) in relation to workers, an association of trade unions, and
  - (b) in relation to employers, an association of organisations of employers and also any body established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking;
- and “trade union” includes an association of trade unions.

**Textual Amendments**

- F6** Words repealed by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 29(4), **Sch. 1 Pt. III**
- F7** Words substituted by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 10(2), **Sch. 3 Pt. III para. 14**
- F8** 117(1)(a) repealed by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 29(4), **Sch. 7 Pt. II**
- F9** Paragraph (b) and “(c)” repealed by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 29(4), **Sch. 1 Pt. III**
- F10** Word substituted by virtue of [S.I. 1974/1941](#), **Sch. 2 para. 2**
- F11** [S. 117\(5\)\(b\)](#) repealed (30.8.1993) by [Trade Union Reform and Employment Rights Act 1993 \(c. 19\)](#), s. 51, **Sch.10**; [S.I. 1993/1908](#), art. 2(1), **Sch.1** Table

**Modifications etc. (not altering text)**

- C1** Reference to Minister in s. 117, in so far as it enables orders to be made otherwise than by statutory instrument, to be construed as reference to the Health and Safety Executive: [S.I. 1974/1941](#), reg. 7, **Sch. 1**

**Marginal Citations**

- M1** [1936 c. 22.](#)

*Certificate of fitness for employment of young persons*

118 ..... F12

**Textual Amendments**

- F12** [Ss. 85, 118, 151, 152, 184\(2\)](#) repealed by [Employment Medical Advisory Service Act 1972 \(c. 28\)](#), **Sch. 3**

*Status: Point in time view as at 30/08/1993.*

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## 119 Power of inspector to require certificate of fitness for work.

Where an inspector is of opinion that the employment of a young person in a factory or in a particular process or kind of work in a factory is prejudicial to his health or the health of other persons, he may serve written notice on the occupier of the factory informing him thereof and requiring that the employment of that young person in the factory or in the process or kind of work, as the case may be, be discontinued after the period named in the notice (which shall not be less than one nor more than seven days after the service of the notice) and the occupier shall not continue after that period to employ the young person . . . <sup>F13</sup> unless the appointed factory doctor [<sup>F14</sup> or an employment medical adviser] has, after the service of the notice, personally examined the young person and certified that he is fit for employment in the factory or in the process or kind of work, as the case may be.

### Textual Amendments

**F13** Words repealed by [Employment Medical Advisory Service Act 1972 \(c. 28\)](#), [Sch. 3](#)

**F14** Words inserted by [Employment Medical Advisory Service Act 1972 \(c. 28\)](#), [Sch. 2](#)

## [<sup>F15F16</sup> 119A] Duty of factory occupier to give notice of employment of a young person.

(1) Where the occupier of a factory takes a young person into his employment to work in the factory (or transfers to work in the factory from work elsewhere than in a factory a young person already in his employment), the occupier shall, not later than seven days after the day on which he does so, send to the local careers office a written notice stating the name of the occupier, the address of the factory and the fact of the young person's having been so taken or transferred, and the date on which, and the work to do which, he was so taken or transferred, and giving such of the following information as is within the occupier's knowledge, namely:—

- (a) the young person's Christian name (or forename) and surname;
- (b) the date of his birth;
- (c) his usual residential address; and
- (d) the name and address of the school (if any) which he last attended before he was so taken or transferred.

(2) In this section—

- [ <sup>F17</sup>(a) “the local careers office” means the premises from which, under arrangements made in pursuance of subsection (1), (4) or (5) of section 8 of the <sup>M2</sup>Employment and Training Act 1973, the facilities provided in pursuance of the said subsection (1) are made available in the area (as determined in pursuance of the arrangements) in which the factory is situated; and]]
- (b) “school” means a school within the meaning of the <sup>M3</sup>Education Act 1944 or the <sup>M4</sup>Education (Scotland) Act 1962.

### Textual Amendments

**F15** S. 119A inserted by [Employment Medical Advisory Service Act 1972 \(c. 28\)](#), [s. 5\(1\)](#)

**F16** S. 119A repealed (*prosp.*) by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), ss. 10(1)(b), 29(4), [Sch. 3 Pt. II](#), [Sch. 7 Pt. III](#)

**F17** S. 119A(2)(a) substituted by [Employment and Training Act 1973 \(c. 50\)](#), [Sch. 3 para. 6](#)

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**Changes to legislation:** *There are currently no known outstanding effects for the Factories Act 1961, Part VI. (See end of Document for details)*

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**Marginal Citations**

**M2** 1973 c. 50.

**M3** 1944 c. 31.

**M4** 1962 c. 47.

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Factories Act 1961, Part VI.