



# Shops Act 1950

## 1950 CHAPTER 28

### PART V

#### GENERAL

**68 Option to apply either this Act or the Young Persons (Employment) Act, 1938, in certain cases**

- (1) An employer who employs young persons at, or in connection with the business carried on at, a residential hotel, a place of public entertainment or amusement, or a public swimming bath, bathing place or turkish bath, being young persons to whom apart from this section the provisions of this Act or the provisions of Part I of the Young Persons (Employment) Act, 1938, would apply, may give notice that he elects that the provisions of this Act shall apply to all such young persons as aforesaid for the time being so employed by him as aforesaid, or may give notice that he elects that the provisions of Part I of the Young Persons (Employment) Act, 1938, shall apply to all of them.
- (2) When a notice given under the foregoing subsection has taken effect, then, until another notice withdrawing that notice takes effect, the provisions of this Act or of Part I of the Young Persons (Employment) Act, 1938, as the case may be, shall apply to all the young persons aforesaid, and, in the case of young persons to whom apart from this section those provisions would not have applied, shall apply to them subject to the prescribed adaptations and to the exclusion of the provisions of the said Part I of the Act of 1938 or of this Act, as the case may be:

Provided that, where the provisions that are to apply are the provisions of this Act—

- (a) those provisions shall have effect with the substitution in section seventeen of, and Part II of the Third Schedule to, this Act for references to half-past one o'clock of references to one o'clock ; and
- (b) section twenty-five of this Act shall have effect only in the case of young persons employed at, or in connection with the business carried on at, a residential hotel, and in the case of those persons shall have effect notwithstanding anything in subsection (1) of section thirty-four of this Act.

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*Status: This is the original version (as it was originally enacted).*

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- (3) A notice to be given under subsection (1) of this section and a notice withdrawing such a notice shall be given to the local authority in such form, in such manner and subject to such conditions as may be prescribed, and any such notice shall have effect as from such date after it is given as may be prescribed.
- (4) In this section the expression "prescribed" means prescribed by order of the Secretary of State which may be varied or revoked by a subsequent order, and the power of making orders under this subsection shall be exercisable by statutory instrument.
- (5) For the purposes of this section—
  - (a) the carrying on of a club shall be deemed to be a business notwithstanding that the club is not carried on for the purpose of profit;
  - (b) a young person shall be deemed to be employed by the person for whom he works notwithstanding that he receives no wages for his work.