



Disabled Persons (Employment) Act 1944

1944 CHAPTER 10

Provisions for enabling registered disabled persons to obtain employment or to undertake work on their own account

13 Provisions for interpretation, and c. of preceding sections

- (1) In this Act references to employment shall be construed as references to any relationship, whether entered into for business or other purposes, the legal character of which is that of master and servant, or is that of master and apprentice or a relationship similar to that of master and apprentice.
- (2) In this Act references to taking into employment shall be construed—
 - (a) as including references to the engagement by an employer of a person previously in his employment, but not if the new period of employment begins immediately on the ending of an earlier period or after an interval attributable to the employed person's illness or being on holiday or to other temporary causes;
 - (b) as not including any reference to the taking into his employment, by a person taking over a business or establishment at any time in succession to, or jointly with, another person who was carrying it on immediately before that time, of a person employed in that business or establishment immediately before that time.
- (3) With respect to part-time employment, or to employment part-time with one employer and part-time with another or with the same employer part-time in one class of employment and part-time in another, the Minister may make regulations prescribing the extent and manner to and in which such employment is to be regarded for the purposes of this Act.
- (4) Where a person who is a trustee or is acting in any other fiduciary capacity has employees the expenses (if any) of whose employment are or would be chargeable in his accounts in that capacity, he shall be treated for the purposes of the provisions of this Act relating to the duty of employers to give employment to persons registered as handicapped by disablement as one person in relation to that capacity and a different person in relation to any other capacity.

Status: This is the original version (as it was originally enacted).

- (5) The fact that the making, termination or variation of a contract involves a contravention of any of the provisions of this Act relating to the duty of employers to give employment to persons registered as handicapped by disablement, or of the last preceding section, shall not affect the operation in law of the contract, or of its termination or variation, as the case may be.
- (6) Where a person registered as handicapped by disablement ceases to be so registered at a time when he is in employment with any employer, and for any period thereafter continues, either without any interval or with such interval only as is mentioned in paragraph (a) of subsection (2) of this section, in employment with that employer, or with a person taking over in succession (whether directly or indirectly) to, or jointly with, that employer a business or establishment in which the person who was so registered was employed at that time, he shall, for the purposes of the application of this Act during that period to that employer or to any person taking over as aforesaid, be treated as if he had continued to be a person so registered.