



Shops Act 1950

1950 CHAPTER 28

PART II

CONDITIONS OF EMPLOYMENT

Statutory half-holiday and meal times

17 Statutory half-holiday for shop assistants

- (1) Subject to the provisions of this Part of this Act, on at least one week day in each week a shop assistant shall not be employed about the business of a shop after half-past one o'clock in the afternoon:

Provided that this provision shall not apply to the week preceding a bank holiday if the shop assistant is not employed on the bank holiday, and if on one week day in the following week in addition to the bank holiday the employment of the shop assistant ceases not later than half-past one o'clock in the afternoon.

- (2) The occupier of a shop shall fix, and shall specify in a notice in the prescribed form, which must be affixed in the shop in such manner and at such time as may be prescribed, the day of the week on which his shop assistants are not employed after half-past one o'clock and may fix different days for different shop assistants.
- (3) In the case of any contravention of this section, the occupier of the shop shall be liable to a fine not exceeding—
- (a) in the case of a first offence, one pound ;
 - (b) in the case of a second offence, five pounds ; and
 - (c) in the case of a third or subsequent offence, ten pounds—

unless, in the case of a shop assistant employed after half-past one o'clock in contravention of this section, he proves that the shop assistant was employed merely for the purpose of serving a customer whom he was serving at that time, or, where the time for closing the shop was also half-past one o'clock, that the shop assistant was employed merely for the purpose of serving customers who were in the shop at that time.

Status: This is the original version (as it was originally enacted).

In considering for the purposes of this subsection whether an offence is a first, second or subsequent offence, any offence under subsection (2) of section nineteen of this Act shall be treated as if it were an offence under this subsection.

18 Modifications in application of s. 17 to young persons

- (1) For the purposes of the last foregoing section every young person who is wholly or mainly employed about the business of a shop shall be deemed to be a "shop assistant":

Provided that this subsection shall not apply to any person employed in a residential hotel.

- (2) The last foregoing section shall not apply to any young person in any week unless he is employed as a shop assistant for more than twenty-five hours in that week and shall not apply to the employment of any young person in a theatre in any week (notwithstanding that he may be employed as a shop assistant for more than twenty-five hours in that week) if he is not employed in the theatre before midday on any day in that week.
- (3) If in any proceedings against any person in respect of a contravention of the last foregoing section in relation to any young person it is shown that the young person was not so employed by him in the week in which the contravention occurred so as to render that section applicable to the young person, it shall be a defence to prove that he did not know, and could not with reasonable diligence have ascertained, that the young person was also employed in that week as a shop assistant by some other employer.
- (4) For the purposes of the last foregoing section, every young person who is wholly or mainly' employed in connection with any retail trade or business carried on in any place not being a shop shall be deemed to be a "shop assistant" and in the application of that section to persons employed in connection with such a retail trade or business—
- (a) subsection (2) shall not apply;
 - (b) references to "employment about the business of a shop" shall be deemed to include references to employment in connection with any retail trade or business carried on in any place not being a shop;
 - (c) references to "a shop" shall be deemed to include references to the place in or from which the retail trade or business is carried on ; and
 - (d) references to "the occupier of a shop " shall be deemed to include references to the person by whom the retail trade or business is carried on.
- (5) Nothing in this section shall apply with respect to the employment of persons whose hours of employment are regulated by or under the Factories Acts, 1937 and 1948.
- For the purposes of this subsection, employment wholly or mainly outside a factory in collecting, carrying or delivering goods, carrying messages or running errands, being employment for the purposes of retail trade or business carried on from the factory, shall be deemed not to be employment in the business of the factory.
- (6) For the purposes of this section, a person who works about the business of a shop for the occupier thereof or in connection with any retail trade or business for the person by whom it is carried on shall be deemed to be employed, notwithstanding that he receives no reward for his labour.
- (7) In the application of the last foregoing section to young persons, and in this section, the expression "shop " includes any wholesale shop and any warehouse occupied for

the purposes of his trade by any person carrying on any retail trade or business or by any wholesale dealer or merchant.

- (8) For the purposes of this section, employment in connection with a wholesale shop or a warehouse occupied by a wholesale dealer or merchant which is neither—
- (a) employment within the premises; nor
 - (b) employment in the collection or delivery of goods or in attendance upon customers or in carrying messages or running errands,

shall not be deemed to be employment about the business of a shop; but, save as aforesaid, any employment in the service of the occupier of the shop upon any work, whether within the shop or outside it, which is ancillary to the business carried on at the shop shall be deemed to be employment about the business of the shop, and that expression shall be construed accordingly.

19 Meal times

- (1) Intervals for meals shall be allowed to each shop assistant in accordance with Part I of the Third Schedule to this Act:

Provided that this section shall not apply to a shop if the only persons employed as shop assistants are members of the family of the occupier of the shop, maintained by him and dwelling in his house.

- (2) In the case of any contravention of the provisions of this section, the occupier of a shop shall be liable to a fine not exceeding—
- (a) in the case of a first offence, one pound ;
 - (b) in the case of a second offence, five pounds; and
 - (c) in the case of a third or subsequent offence, ten pounds.

In considering for the purposes of this subsection whether an offence is a first, second or subsequent offence, any offence under subsection (3) of section seventeen of this Act shall be treated as if it were an offence under this subsection.

20 Modifications in application of s. 19 to young persons

- (1) In the application of the last foregoing section and of the Third Schedule to this Act to young persons, the provisions of Part I of the said Schedule shall have effect subject to Part II of that Schedule.
- (2) For the purposes of the last foregoing section and the said Schedule, every young person who is wholly or mainly employed about the business of a shop shall be deemed to be a "shop assistant".
- (3) For the purposes of the last foregoing section and the said Schedule, every young person who is wholly or mainly employed in connection with any retail trade or business carried on in any place not being a shop shall be deemed to be a "shop assistant", and in the application of that section to persons employed in connection with such a retail trade or business—
- (a) references to " a shop" shall be deemed to include references to the place in or from which the retail trade or business is carried on ; and
 - (b) references to " the occupier of a shop " shall be deemed to include references to the person by whom the retail trade or business is carried on.

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

- (4) This section shall not apply to any person employed in a residential hotel who is not a shop assistant within the meaning of section seventy-four of this Act or, in the case of a person employed at premises to which the provisions of the next following section apply, is not wholly or mainly employed there in connection with the business of selling intoxicating liquors or refreshments for consumption on the premises.
- (5) Nothing in this section shall apply with respect to the employment of persons whose hours of employment are regulated by or under the Factories Acts, 1937 and 1948.

For the purposes of this subsection, employment wholly or mainly outside a factory in collecting, carrying or delivering goods, carrying messages or running errands, being employment for the purposes of retail trade or business carried on from the factory, shall be deemed not to be employment in the business of the factory.

- (6) For the purposes of this section, a person who works about the business of a shop for the occupier thereof or in connection with any retail trade or business for the person by whom it is carried on, shall be deemed to be employed, notwithstanding that he receives no reward for his labour.
- (7) In the application of the last foregoing section and of the Third Schedule to this Act to young persons, and in this section, the expression " shop " includes any wholesale shop and any warehouse occupied for the purposes of his trade by any person carrying on any retail trade or business or by any wholesale dealer or merchant.
- (8) For the purposes of this section, employment in connection with a wholesale shop or a warehouse occupied by a wholesale dealer or merchant which is neither—
- (a) employment within the premises; nor
 - (b) employment in the collection or delivery of goods or in attendance upon customers or in carrying messages or running errands,

shall not be deemed to be employment about the business of a shop ; but, save as aforesaid, any employment in the service of the occupier of the shop upon any work, whether within the shop or outside it, which is ancillary to the business carried on at the shop shall be deemed to be employment about the business of the shop, and that expression shall be construed accordingly.

21 Application of foregoing provisions to premises for the sale of refreshments

- (1) This section applies to shop assistants employed in any premises for the sale of refreshments, whether licensed for the sale of intoxicating liquor or not, if their employment is wholly or mainly in connection with the sale of intoxicating liquors or refreshments for consumption on the premises.
- (2) The foregoing sections of this Part of this Act shall not apply to shop assistants to whom this section applies if the occupier of the premises in which they are employed, by such a notice as is hereinafter mentioned, signifies that he elects that, instead of those provisions, the following provisions shall apply.
- (3) The said provisions are—
- (a) that no assistant to whom this section applies shall be employed for more than sixty-five hours in any week exclusive of meal times;
 - (b) that provision shall be made for securing to every assistant to whom this section applies—

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- (i) thirty-two whole holidays on a week day in every year of which at least two shall be given within the currency of each month and which shall comprise a holiday on full pay of not less than six consecutive days so, however, that two half holidays on a week day shall be deemed equivalent to one whole holiday on a week day ;
 - (ii) twenty-six whole holidays on Sunday in every year, so distributed that at least one out of every three consecutive Sundays shall be a whole holiday ;
 - (c) that unless the only persons employed as shop assistants are members of the family of the occupier of the premises maintained by him and dwelling in his house—
 - (i) intervals for meals shall be allowed to every assistant to whom this section applies amounting on a half holiday to not less than three-quarters of an hour, and on every other day to not less than two hours, and
 - (ii) no assistant shall be employed for more than six hours without being allowed an interval of at least half an hour;
 - (d) that the occupier shall affix and constantly maintain in a conspicuous position in the premises a notice in the prescribed form referring to the provisions of this section, and stating the steps taken with a view to compliance therewith.
- (4) Paragraph (a) of the last foregoing subsection shall not apply to any young person whose hours of employment are regulated under sections twenty-four to thirty-one of this Act.
- (5) Where the occupier of any premises has signified as aforesaid that he elects that the foregoing provisions of this section shall apply, and any of those provisions are not complied with, the occupier of the premises shall be liable to a fine not exceeding—
 - (a) in the case of a first offence, one pound ; and
 - (b) in the case of a second offence, five pounds ; and
 - (c) in the case of a third or subsequent offence, ten pounds.
- (6) For the purposes of this section, the expression " half holiday " means a day on which the employment of an assistant ceases not later than three o'clock in the afternoon and on which he is not employed for more than six hours including meal-time.
- (7) A notice under this section may be withdrawn by the occupier of the shop at the expiration of a year from the date when it was given, and thereafter at the expiration of any succeeding year, and upon any such withdrawal the foregoing sections of this Part of this Act shall apply to the shop in like manner as before the notice was given.
- (8) The foregoing sections of this Part of this Act and Part III of this Act shall, in their application to any premises in respect to which a notice under this section is in force, have effect as though the expression " shop assistant" included all persons wholly or mainly employed in any capacity at the premises in connection with the business there carried on.

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

Sunday Employment in England and Wales

22 Sunday employment

- (1) No person shall be employed on Sunday about the business of a shop which is open for the serving of customers on that day unless the following requirements are complied with—
- (a) in the case of a person so employed for more than four hours on any Sunday, that person shall—
 - (i) receive in respect of his employment on that Sunday a whole holiday on a day other than that of his statutory half-holiday, if any, and that whole holiday shall be on a weekday of the week beginning with that Sunday unless he has, in respect of his employment on that Sunday, already received such a holiday on a weekday of the previous week ;
 - (ii) not be employed about the business of a shop on more than two other Sundays in the same month ;
 - (b) in the case of a person not so employed for more than four hours on a Sunday in any month, that person shall receive in respect of his employment on any Sunday in the month a half-holiday in addition to his statutory half-holiday, if any, and that additional half-holiday shall be on a weekday of the week beginning with that Sunday unless he has, in respect of his employment on that Sunday, already received such a half-holiday on a weekday of the previous week:

Provided that this subsection shall not apply—

- (i) to any person employed wholly or mainly in connection with the sale of intoxicating liquor; or
 - (ii) to any shop assistant employed in any premises for the sale of refreshments to whom the provisions of paragraphs (a), (b), (c) and (d) of subsection (3) of the last foregoing section apply by virtue of an election made under that section by the occupier of the premises; or
 - (iii) to any person employed wholly or mainly as a milk roundsman; or
 - (iv) to any person wholly employed in the transaction of post office business ; or
 - (v) to any registered pharmacist within the meaning of the Pharmacy and Poisons Act, 1933, employed in connection with the sale or supply of medicines or medical or surgical appliances in any premises required to be kept open on Sunday for the serving of customers in pursuance of a contract between the occupier of the premises and an Executive Council—
 - (a) if he is not employed for more than two hours on that Sunday, and has not been employed on the previous Sunday, and
 - (b) if on a weekday (other than the day of the statutory half-holiday) of the previous week or of the week commencing with the Sunday on which he is so employed, either he has not been, or will not be, employed before half-past ten o'clock in the morning, or has not been, or will not be, employed after six o'clock in the afternoon.
- (2) For the purposes of this section—
- (a) a person who works about the business of a shop for the occupier thereof shall be deemed to be employed notwithstanding that he receives no reward for his labour;

- (b) in relation to any person employed about the business of a shop the following expressions have the meanings hereby respectively assigned to them, that is to say,
- " whole holiday " means a day on which that person is not employed about the business of that shop;
 - " statutory half-holiday " means a day on which under section seventeen of this Act he is not employed about the business of that shop after half-past one o'clock in the afternoon ;
 - " half-holiday " means a day on which he is either not employed before, or not employed after, half-past one o'clock in the afternoon of that day about the business of that shop.
- (3) The occupier of any shop which by virtue of any provision of Part IV of this Act, other than section sixty-two, is open for the serving of customers on Sunday shall keep in the prescribed form and in the prescribed manner a record of the names of and the hours worked by all the persons employed about the business of the shop on Sunday who are entitled to any holidays prescribed by this section, and of the respective days of the week upon which those persons receive those holidays.
- (4) Nothing in this section shall authorise the employment of any person at any time when it would under any other provision of this Act or under the Sunday Entertainments Act, 1932, be unlawful for him to be so employed.
- (5) Nothing in this section shall apply to the carrying on on Sunday of the business of a retail dealer in butchers' meat.
- (6) In the case of any contravention of this section, the-occupier of the shop shall be liable to a fine not exceeding—
- (a) in the case of a first offence, five pounds ;
 - (b) in the case of a second or subsequent offence, twenty pounds.
- In considering for the purposes of this subsection whether an offence is or is not a first offence, any offence under subsection (1) of section fifty-nine of this Act shall be treated as if it were an offence under this subsection.
- (7) This section shall not extend to Scotland.

23 Sunday employment in retail trading elsewhere than in shops

The last foregoing section shall extend to any place outside Scotland where any retail trade or business is carried on as if that place were a shop, and as if in relation to any such place the person by whom the retail trade or business is carried on were the occupier of a shop, but as so extended shall apply only to persons wholly or mainly employed in connection with the retail trade or business carried on at that place.

Hours of Employment of Young Persons

24 Hours of employment of persons between 16 and 18

- (1) Subject to the following provisions of this Part of this Act, no young person between the ages of sixteen and eighteen years shall be employed about the business of a shop for more than the normal maximum working hours, that is to say, forty-eight working hours in any week.

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

- (2) On occasions of seasonal or exceptional pressure of work at any shop, young persons between the ages of sixteen and eighteen years may, subject as hereinafter provided, and subject to the provisions of any other enactment, be employed about the business of the shop overtime, that is to say, in excess of the normal maximum working hours:

Provided that in the case of any shop—

- (a) when in any year there have been six weeks (whether consecutive or not) in which young persons have been employed overtime about the business of the shop, no young person shall be so employed during the remainder of that year;
 - (b) no young person shall be employed overtime about the business of the shop—
 - (i) in any year after he has been employed overtime about the business of the shop for fifty working hours in that year ;
 - (ii) in any week after he has been employed overtime about the business of the shop for twelve working hours in that week.
- (3) In the case of any contravention of the provisions of this section, the occupier of the shop shall be liable to a fine not exceeding ten pounds for every person in respect of whom the contravention occurs.
- (4) In this section—

" shop " includes any wholesale shop and any warehouse occupied for the purposes of his trade by any person carrying on any retail trade or business or by any wholesale dealer or merchant;

" year " means the period between midnight on the last Saturday night in the month of December and midnight on the last Saturday night in the next month of December.

25 Hours of employment of persons between 16 'and 18 in catering trade

- (1) The occupier of any shop in which there is carried on the business of serving meals, intoxicating liquors, or refreshments to customers for consumption on the premises may, by exhibiting a notice to that effect, secure that the provisions of this subsection will, during a period of two consecutive weeks specified in the notice, be applicable to that shop, and when such a notice has been duly exhibited in the prescribed form and in the prescribed manner and at such time before the period therein specified as may be prescribed, then—
- (a) a young person between the ages of sixteen and eighteen years whose employment is wholly or mainly in connection with the said business, shall be deemed, for the purposes of the last foregoing section, not to be employed about the business of the shop in excess of the normal maximum working hours in either week of the period specified in the notice, if he is employed about the business thereof neither for more than sixty working hours in either week nor for more than ninety-six hours throughout the period ; and
 - (b) the provisions of the last foregoing section permitting employment overtime shall not apply during the period specified in the notice in relation to young persons whose employment is such as aforesaid:

Provided that, after the provisions of this subsection have been applicable to any shop during twelve such periods beginning in any calendar year, the said provisions shall not again be applicable to the shop in that year.

- (2) If the occupier of any shop gives notice that he elects that the provisions of this subsection shall not be applicable to that shop, then, unless and until the notice is withdrawn, the said provisions shall not be applicable thereto, but as respects business carried on at any shop to which the said provisions are not so rendered inapplicable—
- (a) proviso (a) to subsection (2) of the last foregoing section shall not apply to the overtime employment of persons whose employment is wholly or mainly in connection with the business of serving meals, intoxicating liquors, or refreshments to customers for consumption on the premises, and
 - (b) if other business is carried on in the shop, the overtime employment of persons in relation to whom this subsection applies shall not be taken into account for the purposes of the application of the said proviso in relation to other young persons:

Provided that, while the provisions of this subsection are applicable to a shop, the last foregoing section shall, in relation to any young persons so employed in connection with the business aforesaid, have effect as if in proviso (b) to subsection (2) thereof there were inserted the following additional paragraph, that is to say—

“(iii) in any period of two consecutive weeks so that he is employed overtime about the business of the shop for more than eight working hours in that period.”

- (3) A notice given under the last foregoing subsection with respect to any shop, and a notice withdrawing any such notice as aforesaid, shall be given in such form, in such manner, and subject to such conditions as may be prescribed, to the local authority whose duty it is to enforce this section within the district in which the shop is situated, and any such notice shall take effect on such date after it is given as may be prescribed.

26 Hours of employment of persons between 16 and 18 selling accessories for aircraft, motor vehicles and cycles

- (1) If the occupier of any shop in which there is carried on the business of serving customers with supplies or accessories for aircraft, motor vehicles, or cycles sold for immediate use gives notice that he elects that the provisions of this subsection shall be applicable to that shop, then, unless and until the notice is withdrawn, in relation to young persons between the ages of sixteen and eighteen years employed in connection with the business aforesaid, the normal maximum working hours shall, instead of being forty-eight working hours in any week, be such number of hours, being neither more than fifty-four in any week nor more than one hundred and forty-four in any period of three consecutive weeks, as may be specified in the notice, and section twenty-four of this Act shall have effect accordingly:

Provided that, while the provisions of this subsection are applicable to a shop, section twenty-four of this Act shall in relation to any young person employed in connection with the business aforesaid have effect as if in proviso (b) to subsection (2) thereof there were inserted the following additional paragraphs, that is to say—

- “(iii) (a) (a) in any week after he has been employed about the , business of the shop for fifty-four working hours in that week;
- (b) in any period of three consecutive weeks so that he is employed overtime about the business of the shop for more than twelve working hours in that period.”

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

- (2) If the occupier of any shop gives notice that he elects that the provisions of this subsection shall not be applicable to that shop then, unless and until the notice is withdrawn, the said provisions shall not be applicable thereto, but as respects business carried on at any shop to which the said provisions are not so rendered inapplicable—
- (a) proviso (a) to subsection (2) of section twenty-four of this Act shall not apply to the employment of persons employed in connection with the business of serving customers with supplies or accessories for aircraft, motor vehicles or cycles sold for immediate use, and
 - (b) if other business is carried on in the shop, the overtime employment of persons in relation to whom this subsection applies shall not be taken into account for the purposes of the application of the said proviso in relation to any other young persons:

Provided that, while the provisions of this subsection are applicable to a shop, section twenty-four of this Act shall, in relation to any young person employed in connection with the business aforesaid, have effect as if in proviso (b) to subsection (2) thereof there were inserted the following additional paragraph, that is to say—

“(iii) (b) in any period of three consecutive weeks so that he is employed overtime about the business of the shop for more than twelve working hours in that period.”

- (3) A notice given under subsection (1) or under subsection (2) of this section with respect to any shop and a notice withdrawing any such notice as aforesaid shall be given in such form, in such manner and subject to such conditions as may be prescribed to the local authority whose duty it is to enforce this section within the district in which the shop is situated, and any such notice shall take effect on such date after it is given as may be prescribed.
- (4) Where two or more retail trades or businesses are carried on in the same shop, and the business of serving customers with supplies or accessories for aircraft, motor vehicles, or cycles sold for immediate use is not the principal retail trade or business carried on in the shop, the provisions of this section shall apply only in relation to young persons employed about the business of the shop who are wholly or mainly employed in connection with the business of serving customers with such supplies or accessories as aforesaid.
- (5) In this section the expression "shop" includes any wholesale shop and any warehouse occupied for the purposes of his trade by any person carrying on any retail trade or business or by any wholesale dealer or merchant.

27 Hours of employment of persons under 16

- (1) Subject to the provisions of this section, no person who has not attained the age of sixteen years shall be employed about the business of a shop for more than the normal maximum working hours, that is to say, forty-four working hours in any week.
- (2) The occupier of a shop may, by exhibiting a notice to that effect, secure that the next following subsection shall be applicable to the shop during the week within which Christmas Day falls and either the week before or the week after that week, as may be specified in the notice.
- (3) When such a notice has been duly exhibited in the prescribed form and in the prescribed manner and at such time before the period therein specified as may be

prescribed, then, in relation to a young person employed about the business of the shop who has not attained the age of sixteen years, the normal maximum working hours shall, as respects the period specified in the notice, be neither more than forty-eight in either week of that period nor more than eighty-eight throughout that period.

- (4) In the case of any contravention of the provisions of this section, the occupier of the shop shall be liable to a fine not exceeding ten pounds for every person in respect of whom the contravention occurs.
- (5) In this section the expression "shop" includes any wholesale shop and any warehouse occupied for the purposes of his trade by any person carrying on any retail trade or business or by any wholesale dealer or merchant.

28 Employment partly in factory and partly in shop

- (1) No young person who has to the knowledge of the occupier of a shop been previously employed on any day in a factory shall be employed on that day about the business of the shop for a longer period than will, together with the time during which he has been previously employed on that day in the factory, complete the number of hours permitted by the Factories Acts, 1937 and 1948.
- (2) In the case of any contravention of the provisions of this section, the occupier of the shop shall be liable to a fine not exceeding ten pounds for every person in respect of whom the contravention occurs.
- (3) In this section the expression "shop" includes any wholesale shop and any warehouse occupied for the purposes of his trade by any person carrying on any retail trade or business or by any wholesale dealer or merchant.

29 Method of computing hours of employment

- (1) In determining for the purposes of this Part of this Act the number of working hours for which a young person has in any week or period of two or three consecutive weeks been ..employed about the business of any shop, he shall be deemed to have been also employed about the business thereof during -any time during which he was in that week or period employed—
 - (a) about the business of any other shop ;
 - (b) in a factory;
 - (c) in or in connection with any process (not being a process to which section one hundred and six of the Factories Act, 1937, applies) carried on at any dock, wharf or quay to which section one hundred and five of the Factories Act, 1937, applies or any warehouse (except a warehouse which forms part of a factory or a warehouse occupied for the purposes of his trade by any person carrying on any retail trade or business or by any wholesale dealer or merchant) 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;
 - (d) in or in connection with the processes of loading, unloading or coaling any ship in any dock, harbour or canal;
 - (e) in the collection or delivery of goods, or in any carrying, loading or unloading of goods incidental to the collection or delivery thereof;
 - (f) in connection with a business carried on at any premises in carrying messages or running errands, being employment wholly or mainly outside the premises;

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- (g) in collecting, carrying or delivering goods, carrying messages or running errands, being employed in connection with any business carried on at such a dock, wharf, quay or warehouse as is mentioned in paragraph (c) of this subsection and by a person having such use or occupation as is therein mentioned ;
 - (h) at a residential hotel or club in carrying messages or running errands, or in connection with the reception of guests or members thereat;
 - (i) in connection with the business carried on at any premises where a newspaper is published, in carrying messages or running errands;
 - (j) at a place of public entertainment or amusement, or at a public swimming-bath, bathing place or turkish bath, for carrying messages or running errands, or in the reception of or attendance upon persons resorting thereto;
 - (k) elsewhere than in a private dwelling-house, in the operation of a hoist or lift connected with mechanical power;
 - (l) in, or in connection with, the operation of cinematograph apparatus;
 - (m) at any premises occupied for the purposes of a laundry, dyeing or cleaning works or other factory, in receiving or despatching goods.
- (2) If in any proceedings against the occupier of a shop in respect of a contravention of the provisions of this Part of this Act it is shown that the contravention occurred only by reason of time during which a young person was employed by another employer being deemed, in accordance with the provisions of this section, to be time during which he was employed about the business of that shop, it shall be a defence to prove that the occupier did not know and could not with reasonable diligence have ascertained that the young person was employed for that time by the other employer.
- (3) In this section the expression " shop " includes any wholesale shop and any warehouse occupied for the purposes of his trade by any person carrying on any retail trade or business or by any wholesale dealer or merchant, and for the purposes of subsection (1) of this section—
- (a) the expression " premises" means, in relation to a young person, premises occupied by his employer for the purposes of the business in connection with which that person is employed ; and
 - (b) the carrying on of a club shall be deemed to be a business notwithstanding that the club is not carried on for the purposes of profit:

Provided that, for the purposes of paragraphs (c), (d) and (g) of that subsection, the foregoing provisions of this subsection shall not apply but section one hundred and fifty-two of the Factories Act, 1937, shall apply for the interpretation of those paragraphs.

30 Power to regulate employment in spells

- (1) If the Secretary of State is satisfied that it is necessary to make provision for preventing the hours of employment of young persons from being so divided into spells as to deprive them of reasonable opportunities for instruction and recreation, he may make regulations directing that, subject to such exceptions and modifications as may be provided by the regulations, the working hours of a young person employed shall (notwithstanding anything in the definition of the expression " working hours" contained in this Act) be deemed, for the purposes of this Part of this Act, to include the period from the time at which that person first begins on any day to be employed

about the business of a shop until the time at which he last ceases on that day to be so employed, exclusive only—

- (a) of such intervals, whether for rest or meals or otherwise ; and
 - (b) of time allowed for attendance at such instructional courses, as may be specified in the regulations.
- (2) The power under this section to make regulations shall be exercisable by statutory instrument, and any such statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.
 - (3) In this section the expression " shop " includes any wholesale shop and any warehouse occupied for the purposes of his trade by any person carrying on any retail trade or business or by any wholesale dealer or merchant.

31 Night employment

- (1) A young person who is employed about the business of a shop 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:

Provided that the said interval of eleven consecutive hours need not include the hour between five and six o'clock in the morning in the case of male persons between the ages of sixteen and eighteen years who are employed during that hour in connection with the collection or delivery of milk or bread or newspapers.

- (2) As respects male persons between the ages of sixteen and eighteen years whose employment is wholly or mainly in connection with the business of serving meals to customers for consumption on the premises, the interval of at least eleven consecutive hours required by this section need not include any time between ten o'clock in the evening and midnight during which they are wholly employed in connection with that business.
- (3) As respects young persons between the ages of sixteen and eighteen employed wholly or mainly in connection with any retail trade or business carried on in a theatre where a performance is taking place which begins before and ends after ten o'clock in the evening, the interval of at least eleven consecutive hours required by this section need not include any time between ten o'clock in the evening and the time at which the performance ends.
- (4) In the case of any contravention of the provisions of this section, the occupier of the shop shall be liable to a fine not exceeding ten pounds for every person in respect of whom the contravention occurs.
- (5) In this section the expression " shop " includes any wholesale shop and any warehouse occupied for the purposes of his trade by any person carrying on any retail trade or business or by any wholesale dealer or merchant.

32 Records

- (1) Subject to the provisions of this section, the occupier of any shop about the business of which young persons are employed shall in the prescribed form and in the prescribed manner keep a record of the hours worked by, and of the intervals allowed for rest and

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meals to, every young person employed about the business of the shop, and particulars of all employment overtime shall be separately entered in the record.

- (2) If the occupier of any shop keeps exhibited in the prescribed manner in the shop or in any department thereof notices in the prescribed form specifying the daily hours to be worked by, and intervals for rest and meals to be allowed to, young persons employed about the business of the shop or of the department, as the case may be, he need only enter in the said record any time during which any such person is employed about the business of the shop or department outside the daily hours so specified or during the intervals so specified:

Provided that any such time shall be entered as, and shall be deemed to be, overtime, unless the time was worked by that person in lieu of time not worked by him during the same week within the specified daily hours, and both the time not so worked and the time worked in lieu thereof are entered in the record.

- (3) The occupier of any shop about the business of which young persons are employed shall in the prescribed form and in the prescribed manner keep exhibited in the shop notices setting forth the number of hours in the week during which young persons may in accordance with the provisions of this Act be employed about the business of the shop and such other particulars as may be prescribed.
- (4) The provisions of the last foregoing subsection shall not apply as respects any place in which retail trade or business is carried on, not being a shop.
- (5) In the case of any contravention of the foregoing provisions of this section, the occupier of the shop shall be liable to a fine not exceeding five pounds for every day on which the contravention occurs or continues.
- (6) If any person with intent to deceive makes, or causes or allows to be made, in any such record or notice as aforesaid an entry which is to his knowledge false in any material particular, or wilfully omits or causes or allows to be omitted from any such record or notice an entry required to be made therein, he shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding twenty pounds, or to both such imprisonment and fine.
- (7) In this section the expression "shop" includes any wholesale shop and any warehouse occupied for the purposes of his trade by any person carrying on any retail trade or business or by any wholesale dealer or merchant.

33 Extension of foregoing provisions as to young persons to retail trading elsewhere than in shops

The provisions of section twenty-four and sections twenty-seven to thirty-two of this Act shall extend to the employment of young persons in connection with any retail trade or business carried on in any place not being a shop, and accordingly—

- (a) in those provisions references to employment about the business of a shop shall be deemed to include references to such employment as aforesaid, and
- (b) for the purposes of the application of those provisions to such employment, references in this Act to a shop shall be deemed to include references to the place in or from which the retail trade or business is carried on, and references to the occupier of a shop shall be deemed to include references to the person by whom the retail trade or business is carried on.

34 Cases where foregoing provisions as to employment of young persons do not apply

- (1) Sections twenty-four to thirty-three of this Act shall not apply to—
 - (a) any person employed in a residential hotel who is not a shop assistant within the meaning of section seventy-four of this Act, or, in the case of a person employed at premises to which the provisions of section twenty-one of this Act apply, is not wholly or mainly employed there in connection with the business of selling intoxicating liquors or refreshments for consumption on the premises;
 - (b) the employment of persons in or about a theatre except in relation to young persons employed wholly or mainly in connection with any retail trade or business carried on in the theatre.
- (2) Sections twenty-four to thirty-three of this Act, except for the provisions of sections twenty-eight and twenty-nine in so far as they relate to employment in a factory, shall not apply with respect to the employment of persons whose hours of employment are regulated by or under the Factories Acts, 1937 and 1948.

For the purposes of this subsection, employment wholly or mainly outside a factory in collecting, carrying or delivering goods, carrying messages or running errands, being employment for the purposes of retail trade or business carried on from the factory, shall be deemed not to be employment in the business of the factory.

35 Birth certificates

- (1) Where the age of any person is required to be ascertained or proved for the purposes of this Part of this Act, any person shall, on presenting a written requisition in such form and containing such particulars as may be from time to time directed by the Registrar-General and on payment of a fee of sixpence, be entitled to obtain a certified copy under the hand of a registrar or superintendent registrar of the entry in the register under the Births and Deaths Registration Acts, 1836 to 1929, of the birth of that person ; and such a form of requisition shall on request be supplied without charge by every registrar and superintendent registrar of births, deaths and marriages.
- (2) This section shall have effect in Scotland as if for references to the Registrar-General and the Births and Deaths Registration Acts, 1836 to 1929, there were respectively substituted references to the Registrar-General of Births, Deaths and Marriages in Scotland and the Registration of Births, Deaths and Marriages (Scotland) Acts, 1854 to 1938, and as if any reference to a superintendent registrar were omitted.

36 Interpretation of provisions as to employment of young persons

- (1) For the purposes of sections twenty-four to thirty-five of this Act, a person who works about the business of a shop for the occupier thereof, or in connection with any retail trade or business for the person by whom it is carried on, shall be deemed to be employed, notwithstanding that he receives no reward for his labour.
- (2) For the purposes of the said sections, employment in connection with a wholesale shop or a warehouse occupied by a wholesale dealer or merchant which is neither—
 - (a) employment within the premises ; nor
 - (b) employment in the collection or delivery of goods or in attendance upon customers or in carrying messages or running errands,

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shall not be deemed to be employment about the business of a shop; but, save as aforesaid, any employment in the service of the occupier of the shop upon any work, whether within the shop or outside it, which is ancillary to the business carried on at the shop shall be deemed to be employment about the business of the shop, and that expression shall be construed accordingly.

Arrangements for health and comfort of shop-workers

37 Seats for female shop-workers

- (1) In all rooms of a shop where female shop assistants are employed in the serving of customers, the employer shall provide seats behind the counter, or in such other position as may be suitable for the purpose, and such seats shall be in the proportion of not less than one seat to every three female shop assistants employed in each room.
- (2) It shall be the duty of the occupier of the shop to permit the female shop assistants to make use of such seats whenever the use thereof does not interfere with their work, and the occupier shall in the prescribed manner and in the prescribed form give notice informing the shop assistants that they are intended to do so.
- (3) Any person failing to comply with the provisions of this section shall be liable—
 - (a) for a first offence to a fine not exceeding three pounds; and
 - (b) for a second or subsequent offence to a fine of not less than one pound and not exceeding five pounds.

38 Sanitary and other arrangements in shops

- (1) In every part of a shop in which persons are employed about the business of the shop—
 - (a) suitable and sufficient means of ventilation shall be provided and suitable and sufficient ventilation shall be maintained;
 - (b) suitable and sufficient means shall be provided to maintain a reasonable temperature and a reasonable temperature shall be maintained.
- (2) In every shop, not being a shop exempted from the provisions of this subsection, there shall be provided and maintained suitable and sufficient sanitary conveniences available for the use of persons employed in or about the shop.
- (3) In every part of a shop in which persons are employed about the business of the shop, suitable and sufficient means of lighting shall be provided, and every such part of a shop shall be kept suitably and sufficiently lighted.
- (4) In every shop, not being a shop exempted from the provisions of this subsection, there shall be provided and maintained suitable and sufficient washing facilities available for the use of persons employed in or about the shop.
- (5) Where persons employed about the business of a shop take any meals in the shop, there shall be provided and maintained suitable and sufficient facilities for the taking of those meals.
- (6) A shop shall be exempted from the provisions of subsection (2) or of subsection (4) of this section if there is in force a certificate exempting that shop therefrom granted by the authority whose duty it is to enforce those provisions respectively.

Any such certificate shall remain in force until it is withdrawn by the authority, but no such certificate shall be granted with respect to any shop unless the authority are satisfied that by reason of restricted accommodation or other special circumstances affecting the shop it is reasonable that such a certificate should be in force with respect thereto, and that suitable and sufficient sanitary conveniences or washing facilities, as the case may be, are otherwise conveniently available, and, subject as hereinafter provided, a certificate in force with respect to any shop shall be withdrawn if the authority at any time cease to be so satisfied as aforesaid:

Provided that, if the occupier of a shop is aggrieved by the withdrawal of such a certificate, he may appeal to the county court for the district in which the shop is situated and that court may make such order concerning the certificate as appears to the court, having regard to the matters aforesaid, to be just and equitable.

- (7) If it appears to the authority whose duty it is to enforce any provision of this section that there has been, in the case of any shop, a contravention of that provision, the authority shall, by notice served on the owner or occupier of the shop, require him to take, within such time as may be limited by the notice, such action as may be specified in the notice for the purpose of securing compliance with the said provision.

If any person served with such a notice fails to comply with the requirements thereof, he shall be liable—

- (a) to a fine not exceeding twenty pounds, or
- (b) in the case of a second or subsequent conviction in respect of the same requirement, to a fine not exceeding fifty pounds or five pounds for every day since the first conviction in respect of that requirement, whichever is the greater:

Provided that it shall be a defence to any proceedings under this subsection to prove that there was no contravention of the provisions of this section, or that the requirements or any such notice as aforesaid were, within a reasonable time after service of the notice, complied with in so far as they were necessary to secure compliance with the provisions of this section.

- (8) In this section—

"shop" includes any wholesale shop and any warehouse occupied for the purposes of his trade by any person carrying on any retail trade or business or by any wholesale dealer or merchant;

"suitable and sufficient" means, in relation to any shop or part of a shop, suitable and sufficient having regard to the circumstances and conditions affecting that shop or part.

- (9) For the purposes of this section, a person who works about the business of a shop for the occupier thereof, or in connection with any retail trade or business for the person by whom it is carried on, shall be deemed to be employed, notwithstanding that he receives no reward for his labour.
- (10) For the purposes of this section, employment in connection with a wholesale shop or a warehouse occupied by a wholesale dealer or merchant which is neither—
- (a) employment within the premises; or
 - (b) employment in the collection or delivery of goods or in attendance upon customers or in carrying messages or running errands,

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shall not be deemed to be employment about the business of a shop ; but, save as aforesaid, any employment in the service of the occupier of a shop upon any work, whether within the shop or outside it, which is ancillary to the business carried on at the shop shall be deemed to be employment about the business of a shop, and that expression shall be construed accordingly.

39 Apportionment of expenses under last section

- (1) If any person, being either the owner or the occupier of a shop, who has incurred or is about to incur any expense for the purpose of securing that the requirements of the last foregoing section are complied with with respect to the shop, alleges that the whole or any part of the expense ought to be borne by any other person having an interest in the premises, he may apply to the county court for the district in which the shop is situated and that court may make such order concerning the expenses or their apportionment as appears to the court, having regard to all the circumstances of the case, including the terms of any contract between the parties, to be just and equitable, and any order made under this section may direct that any such contract as aforesaid shall cease to have effect in so far as it is inconsistent with the terms of the order.
- (2) In this section the expression " shop " includes any wholesale shop and any warehouse occupied for the purposes of his trade by any person carrying on any retail trade or business or by any wholesale dealer or merchant.