EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations prohibit the use in factories of liquids having a flash point below 90 degrees Fahrenheit for the dry cleaning of certain classes of article otherwise than by spotting. Where liquid having a lower flash point was being used the prohibition is not to apply until it is reasonably practicable to carry out any necessary replacement or substantial alteration of plant but this exception will cease to have effect at the expiration of two years from the coming into operation of the Regulations. The Chief Inspector is empowered to grant certificates of exemption.

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2. MILK AND CHEESE FACTORIES

The Milk and Cheese Factories (Hours of Women and Young Persons) Regulations, 1949

1949 No. 35

Made - - - -	*12th January,* 1949
Laid before Parliament	*13th January,* 1949
Coming into Operation	*6th March,* 1949

The Minister of Labour and National Service (hereinafter referred to as "the Minister") by virtue of the powers conferred by Section 95 of the Factories Act, 1937(**a**) (hereinafter referred to as "the principal Act") as amended by subsection (2) of Section 13 of the Factories Act, 1948(**b**), and the Transfer of Functions (Factories, &c., Acts) Order, 1946(**c**), and of all other powers in that behalf, hereby makes the following Regulations:—

Short title, commencement and interpretation.

1.—(1) These Regulations may be cited as the Milk and Cheese Factories (Hours of Women and Young Persons) Regulations, 1949, and shall come into force on the 6th day of March, 1949.

(2) The Interpretation Act, 1889(**d**), applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

Revocation.

2. The Order made by the Secretary of State on the 23rd October, 1903(**e**), under Section 42 of the Factory and Workshop Act, 1901(**f**), (which relates to the employment of women and young persons in creameries) is hereby revoked.

Variation of provisions of the Factories Act, 1937, in the case of certain factories.

3. In the case of any factory in which cream, butter, cheese, milk powder or condensed milk is made or fresh milk or cream is sterilised or otherwise treated before being sold as such, the provisions of Part VI of the principal Act, so far as they relate to women and young persons who have attained the age of sixteen employed in or in connection with any of the said processes, are hereby varied to the extent and subject to the conditions hereinafter specified:

(**a**) 1 Edw. 8 & 1 Geo. 6. c. 67.
(**b**) 11 & 12 Geo. 6. c. 55.
(**c**) S.R. & O. 1946 (No. 376) I, p. 1006.
(**d**) 52 & 53 Vict. c. 63.
(**e**) S.R. & O. Rev. 1904, IV., Factory and Workshop, p. 21.
(**f**) 1 Edw. 7. c. 22.

Provided that these Regulations shall not apply to a factory by reason only that the adaptation of cheese for sale is carried on therein.

General conditions as to hours of employment.

4. The provisions of Part VI of the principal Act with respect to the general conditions as to hours of employment of women and young persons and with respect to notices fixing hours of employment shall, as respects women and young persons who have attained the age of sixteen, apply subject to the following variations :—

(*a*) the period of employment shall not exceed eleven hours in any day and shall neither begin earlier than six o'clock in the morning nor end later than ten o'clock in the evening ;

(*b*) (i) the period of employment and intervals allowed for meals and rest need not be the same as for young persons under sixteen, and where the women and young persons who have attained the age of sixteen are divided into sets the periods of employment and intervals allowed for meals and rest may be different for different sets ;

(ii) where women and young persons are divided into sets the periods of employment and intervals allowed for meals and rest in accordance with the principal Act shall be the same for all persons in the same set ;

(*c*) notwithstanding the provisions of the principal Act and of paragraph (*b*) (ii) of this Regulation requiring intervals allowed for meals or rest to be the same for all workers in the factory or the set as the case may be, such intervals may be allowed :—

(i) at any time within a period of one hour in the case of the interval of not less than ten minutes in the course of a spell referred to in Section 70 (*c*) of the principal Act ; and

(ii) at any time within a period of two hours in the case of an interval of at least half an hour referred to in Section 70 (*c*) of the principal Act ;

and for the purpose of the notices referred to in Sections 72 and 97 of the principal Act there shall be specified therein the period within which an interval is allowed in accordance with the above provisions together with the length of such interval ;

(*d*) where pursuant to these Regulations women and young persons are divided into sets any notice required under the principal Act to be posted specifying the periods of employment and intervals for meals or rest shall indicate the names of the members of each set, either by attaching their names to the notice or by reference to a record of their names and sets which shall be kept by the occupier and available for inspection by the women and young persons employed in the factory and by any Inspector.

Sunday employment.

5. Women and young persons to whom these Regulations apply may be employed in or about the business of the factory on Sunday subject to the restrictions as to hours of employment contained in Part VI of the principal Act as varied by these Regulations.

Prohibition of employment on certain days.

6.—(1) Subject to paragraph (2) hereof, on at least one day in any week a woman or young person shall not be employed at any time in or about the business of the factory or in any other business carried on by the occupier.

(2) Where in any week, owing to the absence of a person employed or other exceptional circumstances, it is not reasonably practicable, without serious interference with the work of the factory, to avoid the employment in the factory on a seventh day in the week of a woman or young person, that woman or young person may be employed on that day but shall in that case in the following week be allowed by the occupier a day free from employment in addition to any other day free from employment to which that person is entitled under the principal Act and these Regulations.

(3) In the case of a person who is employed on a seventh day in accordance with the preceding paragraph the total hours worked in that week may exceed 48 but shall not exceed 54.

Provisions as to overtime and employment during intervals in exceptional circumstances.

7.—(1) For the purpose of dealing with work at an unusual time or in the absence of another person employed or in other exceptional circumstances a woman or young person to whom these Regulations apply may be employed in the factory outside the period of employment or in an interval for a meal or rest specified for the day for that woman or young person in a notice under Part VI of the principal Act, and where a woman or young person is so employed the following provisions shall apply :—

(*a*) the hours worked may extend to ten in any day or 54 in any week ;

(*b*) the hours worked in excess of 48 in any week shall not exceed in the aggregate 100 hours in any calendar year in the case of a young person or 150 hours in the case of a woman ;

(*c*) every woman or young person shall be allowed an interval of at least eleven consecutive hours in every period of twenty-four hours between mid-day on one day and mid-day of the next day ;

(*d*) no woman or young person shall be employed before six o'clock in the morning or after ten o'clock in the evening ;

(*e*) no woman or young person shall be employed continuously for a spell of more than four and a half hours without an interval of at least half an hour for a meal or rest, so, however, that where an interval of not less than ten minutes is allowed in the course of a spell, the spell may be not longer than five and a half hours ;

(*f*) the occupier shall keep either a register in such form (if any) as may be prescribed or a record in a form approved by the Inspector for the District, in which register or record there shall be entered the name of every woman and young person employed in pursuance of this Regulation and particulars of the hours worked by such women and young persons and of the intervals allowed to them for meals and rest in any week in which they are employed in pursuance of this Regulation, and such particulars shall be entered in the register or record not later than the day following the day to which they relate or, in the case of particulars as to total hours worked in a week, within two days from the end of that week. The said register or record shall be available for inspection by the women and young persons employed in the factory.

(2) Where by virtue of paragraph (1) of this Regulation a woman or young person is allowed an interval for a meal or rest which is not specified in a notice under Part VI of the principal Act, other women and young persons in the factory may be employed in that interval.

(3) Paragraphs (1) and (2) of this Regulation are in substitution for the provisions with respect to overtime in Sections 73 and 74 of the principal Act and where a woman or young person is employed in accordance with paragraph (1) the provision in Section 75 of the principal Act permitting employment in a shop outside the period of employment fixed by a notice under Part VI of the principal Act shall cease to have effect in relation to that woman or young person.

Provisions as to periods and notice of holidays.

8. The provisions of Part VI of the principal Act with respect to the allowing of whole holidays to women and young persons shall apply in relation to the women and young persons to whom these Regulations apply subject to the following variations:—

(*a*) at least half of the whole holidays to which Section 78 of the principal Act relates shall be allowed between the first day of March and the thirty-first day of October in every year;

(*b*) notwithstanding the provisions of Section 78 of the principal Act, a substituted whole holiday in England or a whole holiday in Scotland may be allowed and shall be deemed to be allowed in compliance with that Section notwithstanding the fact that a period of not less than three weeks' notice has not been given by the occupier in accordance with that Section if

(i) the holiday occurs in the course of March, and

(ii) the occupier posts a notice of the holiday in the factory on any day before the beginning of March and keeps it posted throughout the period from the date of posting until the date of the said holiday;

(*c*) a holiday which is deemed to be allowed in compliance with Section 78 of the principal Act by reason of the preceding paragraph shall be deemed to be a whole holiday allowed in compliance with the Act for the purposes of Regulation 3 of the Factories Act Holidays (Different Days for Different Sets) Regulations, 1947(a) if the provisions of that Regulation, other than that relating to the period of notice, are satisfied.

Dated this 12th day of January, 1949.

G. A. Isaacs,
Minister of Labour and National Service.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations relate to women and young persons aged 16 and over employed in factories where milk products are made or milk is treated.

They deal with the period of employment, the notices fixing hours of employment, overtime employment, employment during intervals, Sunday employment and annual holidays.

They are made under Section 95 of the Factories Act, 1937 as amended by Section 13 (2) of the Factories Act, 1948, which enables the provisions of that Act relating to the above matters to be varied by Regulations.

(a) S.R. & O. 1947 (No. 184) I, p. 730.