



Factories Act 1937

1937 CHAPTER 67 1 Edw 8 and 1 Geo 6

PART VI

EMPLOYMENT OF WOMEN AND YOUNG PERSONS.

Certificate of fitness for Employment of Young Persons.

99 Certificate of fitness for employment of young persons.

- (1) Subject to the provisions of this section, a young person who has not attained the age of sixteen and is taken into any employment in a factory shall not remain in that employment after the expiration of such period, not being less than seven days, as may be prescribed, unless he has been examined by the examining surgeon and certified by him to be fit for that employment.
- (2) Where the examining surgeon after examining a young person requires further information or further time for consideration before deciding whether or not to certify him as fit for employment or as to the conditions subject to which the certificate is to be issued, he may issue a provisional certificate authorising the employment of the young person for such period as may be specified in the certificate, not exceeding twenty-one days from the date on which it was issued.
- (3) Any certificate by the examining surgeon may be issued—
 - (a) in respect of employment in all factories in the occupation of the same occupier and in the district of the examining surgeon, or such of them as may be specified in the certificate;
 - (b) subject to conditions as respects the nature of the work in which the person concerned is to be employed; and
 - (c) subject to a condition that he shall be re-examined after an interval specified in the certificate.
- (4) Where a certificate under this section in respect of any young person is issued by the examining surgeon upon any such condition as aforesaid, the young person shall not be employed except in accordance with the condition.

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- (5) Where the examining surgeon so directs in the certificate, any such condition as aforesaid shall, so far as relates to the employment in respect of which the certificate was issued or other employment in a factory in the occupation of the same occupier, continue to have effect after the young person has attained the age of sixteen; but unless such a direction is made, the condition shall cease to have effect when the young person attains the age of sixteen, and shall in any case cease to have effect when the young person attains the age of eighteen.
- (6) Where a certificate under this section is subject to a condition requiring re-examination after an interval specified in the certificate, the examining surgeon on such re-examination may vary the certificate or may revoke the certificate as from such date as he may direct; and, if the certificate of a young person is revoked before he attains the age of sixteen, he shall not remain in any employment to which the certificate relates, and subsection (1) of this section shall thereafter have effect as if no certificate had been issued in respect of that young person.
- (7) Where a certificate under this section in respect of any young person is refused or revoked, the examining surgeon shall, if requested to do so by the parent of the young person, give to the parent in writing the reasons for the refusal or revocation.
- (8) The Secretary of State may make rules prescribing—
 - (a) the manner in which and the place at which examinations under this section shall be conducted;
 - (b) the form of certificates under this section;
 - (c) the facilities to be afforded by occupiers of factories for the purpose of examinations under this section, including facilities for an examining surgeon to inspect any process in which a young person is to be employed;
 - (d) any other matter which the Secretary of State may consider desirable for the purpose of giving effect to this section.
- (9) It shall be the duty of every local education authority under the Education Act, 1921, to arrange for their officers to furnish, on the application of the examining surgeon for his confidential information, such particulars as to the school medical record of a young person and such other information in their possession relating to the medical history of a young person as he may require to assist him to carry out effectively his duties under this section; and the Minister of Health may make rules for the purpose of securing the observance of the foregoing provisions of this subsection or may arrange that the Board of Education may make such rules on his behalf; and the examining surgeon shall, in any case where he is doubtful whether or not to issue a certificate under this section, make such an application as aforesaid.
- (10) The Secretary of State may by regulations exempt from the operation of this section any class or description of factory in which mechanical power is not used.

100 Power of inspector to require certificate of fitness for work.

Where an inspector is of opinion that the employment of any young person in a factory or in any 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 thereof on the occupier of the factory 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 therein, not being less than one nor more than seven days after the service of the notice, and the occupier shall not continue after the period named in the notice

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to employ that young person (notwithstanding that a certificate of fitness has been previously obtained for the young person), unless the examining surgeon 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.