



Factories Act 1961

1961 CHAPTER 34 9 and 10 Eliz 2

PART VI

EMPLOYMENT OF WOMEN AND YOUNG PERSONS

Exemptions in interest of efficiency of industry or transport

117 Exemptions from provisions regulating hours of employment.

- (1) Where the Minister is satisfied, on an application made to him in that behalf, that it is desirable in the public interest to do so for the purpose of maintaining or increasing the efficiency of industry . . . ^{F1}, he may, after such consultations as he may think appropriate or as may be required under subsection (5) of this section, exempt the employment of persons [^{F2}(other than children)] from . . . ^{F1},—
 - (a) ^{F3}
 - (b) ^{F4}
- (0 ^{F4} the ^{M1}Hours of Employment (Conventions) Act 1936.
- (2) An exemption granted under this section may extend to the employment of persons generally, of a class of persons or of particular persons, and to employment generally, or any class of employment or particular employment, and may be granted to such extent and on such conditions as may be specified in the instrument by which it is granted and, subject to subsection (4) of this section, either indefinitely or for such period as may be so specified.
- (3) An exemption under this section extending only to particular persons or a particular employment or to a class of persons or employment defined by reference to particular premises or to work supervised from particular premises, and any exemption under this section for a particular day or particular days only, shall be granted by order, to be known as a special exemption order, and any other exemption under this section shall be granted by [^{F5}regulations,] to be known as general exemption regulations.

Status: Point in time view as at 01/01/2011.

Changes to legislation: There are currently no known outstanding effects for the Factories Act 1961, Cross Heading: Exemptions in interest of efficiency of industry or transport. (See end of Document for details)

- (4) An exemption granted by a special exemption order shall not be for more than one year, without prejudice however to the granting of the like exemption for further periods by further special exemption orders.
- (5) The Minister shall not make general exemption regulations except—
- (a) on the application of a joint industrial council, conciliation board or other similar body constituted by organisations which appear to him to be representative respectively of workers and employers concerned; or
 - ^{F6}(b)
 - (c) on the joint application of an organisation which appears to him to be representative of employers concerned and of an organisation which appears to him to be representative of workers concerned; or
 - (d) on the application of an organisation which appears to him to be representative of employers concerned and after consulting an organisation which appears to him to be representative of workers concerned; or
 - (e) on the application of an organisation which appears to him to be representative of workers concerned and after consulting an organisation which appears to him to be representative of employers concerned.
- (6) The Minister shall publish in the London Gazette such particulars of special exemption orders as he considers appropriate.
- (7) In this section “organisation” includes—
- (a) in relation to workers, an association of trade unions, and
 - (b) in relation to employers, an association of organisations of employers and also any body established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking;
- and “trade union” includes an association of trade unions.

Textual Amendments

- F1** Words repealed by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 29(4), [Sch. 1 Pt. III](#)
- F2** Words substituted by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 10(2), [Sch. 3 Pt. III para. 14](#)
- F3** 117(1)(a) repealed by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 29(4), [Sch. 7 Pt. II](#)
- F4** Paragraph (b) and “(c)” repealed by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 29(4), [Sch. 1 Pt. III](#)
- F5** Word substituted by virtue of [S.I. 1974/1941](#), [Sch. 2 para. 2](#)
- F6** [S. 117\(5\)\(b\)](#) repealed (30.8.1993) by [Trade Union Reform and Employment Rights Act 1993 \(c. 19\)](#), s. 51, [Sch.10](#); [S.I. 1993/1908](#), art. 2(1), [Sch.1](#) Table

Modifications etc. (not altering text)

- C1** Reference to Minister in s. 117, in so far as it enables orders to be made otherwise than by statutory instrument, to be construed as reference to the Health and Safety Executive: [S.I. 1974/1941](#), reg. 7, [Sch. 1](#)

Marginal Citations

- M1** [1936 c. 22.](#)

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