

(Enregistré sur les Records le 20 novembre 1926.)

AT THE COURT AT BUCKINGHAM PALACE,
The 5th day of November, 1926.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT

HON. J. G. COATES

LORD CHAMBERLAIN

LORD JUSTICE LAWRENCE

LORD CLINTON

SIR GEORGE CLERK

MR. BRIDGEMAN

SIR LANCELOT SANDERSON.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 21st day of October, 1926, in the words following, viz. :—

Loi ayant
rapport à
l'Emploi de
Femmes, de
Jeunes
Personnes et
d'Enfants

“YOUR MAJESTY having been pleased by Your General Order of Reference of the 10th day of May, 1910, to refer unto this Committee the humble petition of the States of the Island of Guernsey setting forth :—(1) That for the reasons set forth in the preamble thereof, the Royal Court on the 8th day of May, 1926, adopted a Bill or Projet de Loi intituled, ‘Loi ayant rapport à l'Emploi de Femmes, de Jeunes Personnes et d'Enfants,’ and requested the Bailiff to submit the same to the States for their approval : (2) That the said Bill, as drafted and adopted by the Royal Court, has been submitted to and concurred in by the Secretary of State : (3) That on the 6th day of October, 1926, the

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said Bill was submitted to and approved by the States of Deliberation, when the President was authorized to submit a most humble Petition to your Majesty in Council praying for Your Royal Sanction thereto : (4) That the said Bill or Projet de Loi is in the words and figures set forth in the Schedule to the said petition : And humbly praying that Your Majesty would be graciously pleased to grant Your Royal Sanction to the Bill or Projet de Loi of the States of Guernsey intituled ' Loi ayant rapport à l'Emploi de Femmes, de Jeunes Personnes et d'Enfants,' and to order and direct that the same shall have the force of law in the Island of Guernsey.

“ THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi.’

HIS MAJESTY, having taken the said Report into consideration, is pleased, by and with the advice of His Privy Council, to approve of and ratify the said Projet de Loi, and to order, as it is hereby ordered, that the same shall have the force of Law within the Island of Guernsey.

AND HIS MAJESTY doth hereby further direct that this Order and the said Projet de Loi (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

And the Lieutenant-Governor or Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other His Majesty's Officers, for the time being in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly. M. P. A. HANKEY.

“ PROJET DE LOI ” referred to in the foregoing 1926
Order in Council.

LOI AYANT RAPPORT À L'EMPLOI DE FEMMES, DE JEUNES PERSONNES ET D'ENFANTS.

Attendu que le vingt-huit novembre mil neuf cent dix-neuf une assemblée générale de l'Organisation dite “ The International Labour Organisation of the League of Nations ” adopta trois conventions contenant les dispositions prescrites dans les titres I, II et III de la cédule de cette loi ; Préambule

Attendu que le neuf juillet mil neuf cent vingt, une assemblée générale de la dite Organisation “ The International Labour Organisation of the League of Nations ” adopta une convention contenant les dispositions prescrites dans le titre IV de la cédule de cette loi ;

Attendu que l'Acte du Parlement dit “ The Employment of Women, Young Persons and Children Act, 1920, ” a pour objet de mettre à effet les dispositions des dites conventions ;

Attendu qu'il est nécessaire d'établir des règlements ayant force de loi dans les Iles de ce Bailliage pareils à ceux qui sont prescrits par le dit Acte du Parlement, en tant que tels règlements sont applicables aux conditions industrielles des dites Iles ;

La Cour, moyennant l'approbation des Etats et la Sanction de Sa Majesté le Roi en Conseil, a adopté le Projet de Loi rédigé en anglais qui ensuit :—

ARTICLE I.

1.—No child shall be employed in any industrial undertaking.

2.—No child shall be employed in any ship except to the extent to which and in the circumstances in which such employment is permitted under the

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convention set out in Part IV. of the Schedule to this law.

3.—No young person or woman shall be employed at night in any industrial undertaking, except to the extent to which and in the circumstances in which such employment is permitted under the convention set out in Parts II. and III. respectively of the schedule to this law.

4.—Where young persons are employed in any industrial undertaking, a register of the young persons so employed, and of the dates of their birth, and of the dates on which they enter and leave the service of their employer, shall be kept and shall at all times be open to inspection.

5.—There shall be included in every agreement with the crew entered into under the Merchant Shipping Act, 1894, a list of the young persons under the age of sixteen years who are members of the crew, together with the particulars of the dates of their birth, and in the case of a ship in which there is no such agreement, the Master of the ship shall, if young persons under the age of sixteen years are employed therein, keep a register of those persons with particulars of the dates of their birth and of the dates on which they become or cease to be members of the crew, and the register so kept shall at all times be open to inspection.

This article, so far as it relates to employment in a ship, shall have effect as if it formed part of the law intituled “Loi relative à la Marine Marchande dans le Bailliage de l’Ile de Guernesey,” sanctioned by an Order of His Majesty in Council dated the 16th of May, 1916, and registered on the Records of the Island on the 6th of June, 1916, and of such parts of the Merchant Shipping Acts, 1894 to 1920, as are applicable to the Islands of the Bailiwick.

ARTICLE II.

(a) If any person employs a child or young person

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in any industrial undertaking in contravention of this law, he shall be deemed to have employed a child or young person in contravention of Part VI. of the law intituled, " Loi ayant rapport à la protection des enfants et des jeunes personnes " sanctioned by an Order of His Majesty in Council dated the 24th January, 1917, and registered on the Records of this Island the 10th day of February, 1917, and Articles 49 and 50 of that law shall apply as if they were herein re-enacted and in terms made applicable to children and young persons within the meaning of this law ; and

(b) If any child is employed in any ship in contravention of this law, the Master of the ship shall be liable for each offence to a fine not exceeding forty shillings, or in the case of a second or subsequent offence, not exceeding five pounds, and where a child is taken into employment in any ship in contravention of this law on the production, by or with the privity of the parent, of a false or forged certificate or on the false representation of his parent that the child is of an age at which such employment is not in contravention of this law, that parent shall be liable to a fine not exceeding forty shillings ; and

(c) If any person being the employer of a young person fails to keep such a register so required to be kept by him as aforesaid, or refuses or neglects, when required, to produce it for inspection by a member of the States Island Police Force, not below the rank of Sergeant, he shall be liable to a fine not exceeding ten pounds ; and

(d) If the Master of a ship fails to keep such a register so required to be kept by him as aforesaid, or refuses or neglects, when required, to produce it for inspection by a member of the States Island Police Force not below the rank of Sergeant, or any other person having power to enforce compliance with the provisions of the Merchant Shipping Acts

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1894 to 1920, he shall be liable to a fine not exceeding ten pounds ; and

(e) If a person employs a woman in contravention of this law, he shall be liable to a fine not exceeding ten pounds.

ARTICLE III.

1.—The provisions of this law shall be in addition to and not in derogation of any of the provisions of any other law in force within the Bailiwick restricting the employment of women, young persons or children.

2.—Nothing in this law shall apply to an industrial undertaking or ship in which only members of the same family are employed.

3.—Nothing in this law shall prevent the employment in any industrial undertaking or ship of a child lawfully so employed at the commencement of this law.

ARTICLE IV.

In this law :—

The expression “ child ” means a person under the age of fourteen years.

The expression “ young person ” means a person who has ceased to be a child and who is under the age of eighteen years.

The expression “ woman ” means a woman of the age of eighteen years or upwards.

The expression “ industrial undertaking ” has with respect to the employment of children, young persons and women the meanings respectively assigned thereto in the conventions set out in Parts I., II. and III. of the schedule to this law.

The expression “ ship ” means any sea-going ship or boat of any description which is registered in the Islands of the Bailiwick.

ARTICLE V.

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For the purposes of this law the Royal Court shall have power to declare by ordinance what undertakings carried on in the Bailiwick, being industrial as distinct from commercial or agricultural, are subject to this law, and to prescribe the form of register to be kept and generally for the enforcement of the law.

ARTICLE VI.

This law shall come into force on the date of its registration on the Records of the Island by Order of His Majesty in Council.

SCHEDULE.

PART I.

CONVENTION FIXING MINIMUM AGE FOR
ADMISSION OF CHILDREN TO INDUS-
TRIAL EMPLOYMENT.

ARTICLE 1.

For the purpose of this Convention, the term "industrial undertaking" includes particularly:—

- (a) Mines, quarries, and other works for the extraction of minerals from the earth.
- (b) Industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed; including shipbuilding, and the generation, transformation, and transmission of electricity and motive power of any kind.
- (c) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railways, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct,

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sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork, or other work of construction, as well as the preparation for or laying the foundations of any such work or structure.

- (d) Transport of passengers or goods by road or rail or inland waterway, including the handling of goods at docks, quays, wharves, and warehouses, but excluding transport by hand.

The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

ARTICLE 2.

Children under the age of fourteen years shall not be employed or work in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed.

ARTICLE 3.

The provisions of Article 2 shall not apply to work done by children in technical schools, provided that such work is approved and supervised by public authority.

ARTICLE 4.

In order to facilitate the enforcement of the provisions of this Convention, every employer in an industrial undertaking shall be required to keep a register of all persons under the age of sixteen years employed by him, and of the dates of their births.

PART II.

CONVENTION CONCERNING THE NIGHT WORK OF YOUNG PERSONS EMPLOYED IN INDUSTRY.

ARTICLE 1.

For the purposes of this Convention, the term "industrial undertaking" includes particularly:—

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- (a) Mines, quarries, and other works for the extraction of minerals from the earth.
- (b) Industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up, or demolished, or in which materials are transformed; including shipbuilding and the generation, transformation and transmission of electricity or motive power of any kind :
- (c) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gaswork, waterwork, or other work of construction as well as the preparation for or laying the foundations of any such work or structure :
- (d) Transport of passengers or goods by road or rail, including the handling of goods at docks, quays, wharves, and warehouses, but excluding transport by hand.

The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

ARTICLE 2.

Young persons under eighteen years of age shall not be employed during the night in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed except as hereinafter provided for.

Young persons over the age of sixteen may be employed during the night in the following industrial undertakings on work which by reason of the nature of the process, is required to be carried on continuously day and night :

- (a) Manufacture of iron and steel; process in which reverberatory or regenerative furnaces are used, and galvanising of sheet metal or wire (except the pickling process).
- (b) Glass works.
- (c) Manufacture of paper.
- (d) Manufacture of raw sugar.
- (e) Gold mining reduction work.

ARTICLE 3.

For the purpose of this Convention, the term "night" signifies a period of at least eleven consecutive hours, including the interval between ten o'clock in the evening and five o'clock in the morning.

In coal and lignite mines work may be carried on in the interval between ten o'clock in the evening and five o'clock in the morning, if an interval of ordinarily fifteen hours, and in no case of less than thirteen hours, separates two periods of work.

Where night work in the baking industry is prohibited for all workers the interval between nine o'clock in the evening and four o'clock in the morning may be substituted in the baking industry for the interval between ten o'clock in the evening and five o'clock in the morning.

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ARTICLE 4.

The provisions of Articles 2 and 3 shall not apply to the night work of young persons between the ages of sixteen and eighteen years in cases of emergencies which could not have been controlled or foreseen, which are not of a periodical character, and which interfere with the normal working of the industrial undertaking.

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ARTICLE 7.

The prohibition of night work may be suspended by the Government for young persons between the ages of sixteen and eighteen years, when in case of serious emergency the public interest demands it.

PART III.

CONVENTION CONCERNING THE NIGHT
WORK OF WOMEN EMPLOYED IN
INDUSTRY.

ARTICLE 1.

For the purpose of this convention, the term " industrial undertaking " includes particularly :—

- (a) Mines, quarries, and other works for the extraction of minerals from the earth :
- (b) Industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed ; including shipbuilding, and the generation, transformation and transmission of electricity or motive power of any kind ;
- (c) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas-work, waterwork, or other work of construction, as well as the preparation for or laying the foundations of any such work or structure.

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The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

ARTICLE 2.

For the purpose of this Convention, the term "night" signifies a period of at least eleven consecutive hours, including the interval between ten o'clock in the evening and five o'clock in the morning.

ARTICLE 3.

Women without distinction of age shall not be employed during the night in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed.

ARTICLE 4.

Article 3 shall not apply :—

- (a) In cases of *force majeure*, when in any undertaking there occurs an interruption of work which it is impossible to foresee, and which is not of a recurring character.
- (b) In cases where the work has to do with raw materials or materials in course of treatment which are subject to rapid deterioration, when such night work is necessary to preserve the said materials from certain loss.

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ARTICLE 6.

In industrial undertakings which are influenced by the seasons and in all cases where exceptional cir-

cumstances demand it, the night period may be reduced to ten hours on sixty days of the year. 1926

PART IV.

CONVENTION FIXING THE MINIMUM AGE FOR ADMISSION OF CHILDREN TO EMPLOYMENT AT SEA.

ARTICLE 1.

For the purpose of this Convention, the term "vessel" includes all ships and boats, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned: it excludes ships of war.

ARTICLE 2.

Children under the age of fourteen years shall not be employed or work on vessels other than vessels upon which only members of the same family are employed.

ARTICLE 3.

The provisions of Article 2 shall not apply to work done by children on school ships or training ships, provided that such work is approved and supervised by public authority.

ARTICLE 4.

In order to facilitate the enforcement of the provisions of this Convention, every shipmaster shall be required to keep a register of all persons under the age of sixteen years employed on board his vessel, or a list of them in the articles of agreement, and of the dates of their births.