

## Employment Of Women, Young Persons, And Children

Acts Nos. 47 of 1956. 43 of 1964.

### AN ACT TO REGULATE THE EMPLOYMENT OF WOMEN, YOUNG PERSONS, AND CHILDREN

Short title. 1. This Act may be cited as the Employment of Women, Young Persons, and Children Act, No. 47 of 1956.

#### PART I

##### NIGHT WORK IN INDUSTRIAL UNDERTAKINGS

Restrictions on night work in industrial undertakings. {[§ 2, 43 of 1964.]}	<p>2.</p> <p>(1) Subject to the other provisions of this Part, no person shall employ at any time during the night-</p> <ul style="list-style-type: none"><li>(a) a woman, or</li><li>(b) a person under the age of eighteen years,</li></ul> <p>in a public or private industrial undertaking or in a branch thereof.</p> <p>(2) If a person is employed in contravention of subsection (1) of this section, the employer and any person (other than the person employed) to whose act or default the contravention is attributable shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand rupees or imprisonment of either description for a period not exceeding six months or both such fine and such imprisonment.</p>
Exceptions to restrictions on night work in industrial undertakings.	<p>3.</p> <p>(1) The provisions of section 2 with respect to the employment of women during the night shall not apply-</p> <ul style="list-style-type: none"><li>(a) to women holding responsible positions of a managerial or technical character,</li><li>(b) to women employed in health and welfare services who are not ordinarily engaged in manual work,</li><li>(c) to an industrial undertaking in which only members of the same family are employed,</li></ul>

(d) in a case of force majeure, when in an industrial undertaking there occurs an interruption of work which it was impossible to foresee and which is not of a recurring character, if it is reported, within seven days of its occurrence, to the Commissioner of Labour, and

(e) in a case where the work has to do with raw materials or materials in course of treatment which are subject to rapid deterioration and work during the night is necessary to preserve such materials from loss and the permission of an authorized officer to perform such work during the night has been obtained.

(2) When in a case of serious emergency, the public interest demands it, the Minister may, after consultation with the employers' and workers' organizations concerned, if any, suspend, by Order published in the Gazette, the prohibition of the employment of women during the night in any industrial undertaking or undertakings or branches thereof. Every such suspension shall be notified to the Director-General of the International Labour Office by the Government of Ceylon in its annual report on the application of the convention concerning night work of women employed in industrial undertakings.

[§ 3, 43 (3) The Minister may, after consultation with the employers' and of workers' organizations concerned, if ,any, authorize, by Order 1964.] published in the Gazette, the employment during the night of male young persons who have attained the age of sixteen years but are under the age of eighteen years for purposes of apprenticeship or vocational training in such industrial undertakings required to be carried on continuously as is or are specified in the Order.

(4) Where in an industrial undertaking there occurs an emergency which could not have been controlled or foreseen and which is not of a periodical character and which interferes with the normal working of that undertaking, then, during that emergency, the provisions of section 2 with respect to the employment of persons under the age of eighteen years during the night shall not apply to persons between the ages of sixteen and eighteen years employed in that undertaking, if the emergency is reported, within seven days of its occurrence, to the Commissioner of Labour.

(5) When in a case of serious emergency the public interest demands it, the Minister may, after consultation with the employers' and workers' organizations concerned, if any, by Order published in the Gazette, suspend, only with respect to persons between the ages of sixteen and eighteen years, the prohibition of the employment of persons under the age of eighteen years during the night in any industrial undertaking or undertakings or branches thereof.

(6) If the Minister considers it expedient to do so, he may, by Order published in the Gazette, permit women and young persons to be employed in any industrial undertaking or in any branch thereof during that part of the night which falls between 7 p.m. and 11 p.m. subject to the condition that no woman or young person so employed shall be required or permitted to work in such undertaking or branch at any time during the eleven hours immediately following 11 p.m.

(7) Regulations may be made to exempt from the application of the provisions of this Part relating to persons under the age of eighteen years the employment of such persons on work which is not deemed by the Minister to be harmful, prejudicial, or dangerous to them in a family undertaking wherein only parents and their children or wards are employed.

Rest period for apprentices or vocational trainees employed on night work.

4.

(1) Where a person who has attained the age of sixteen years but is under the age of eighteen years is employed during the night for purposes of apprenticeship or vocational training in an industrial undertaking by virtue of an authorization under subsection (3) of section 3, his employer in that undertaking shall grant him a rest period of at least thirteen consecutive hours between two working periods.

(2) A person who contravenes subsection (1) of this section shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand rupees or imprisonment of either description for a period not exceeding six months or both such fine and such imprisonment.

Registers of industrial workers under the age of eighteen years.

5.

(1) The employer in a public or private industrial undertaking shall keep a register of the names, dates of birth, and hours of work of all persons under the age of eighteen years employed in that undertaking.

(2) A person who contravenes subsection (1) of this section shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding fifty rupees or, in the case of a second or subsequent offence, not exceeding two hundred rupees.

Exhibition of provisions of this Part relating to workers under the age of eighteen years.

6.

(1) The employer of persons under the age of eighteen years in a public or private industrial undertaking shall keep exhibited, in some conspicuous place within the premises in which that undertaking is carried on, the provisions of this Part relating to persons under the age of eighteen years

together with a translation of those provisions in Sinhalese and Tamil.

(2) A person who contravenes subsection (1) of this section shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding fifty rupees or, in the case of a second or subsequent offence, not exceeding two hundred rupees.

## **PART II**

### **EMPLOYMENT IN INDUSTRIAL UNDERTAKINGS AND AT SEA**

Employment of children in industrial undertakings.

7.

(1) Subject to the provisions of subsection (2) of this section, no person shall employ a child in a public or private industrial undertaking or in a branch thereof.

(2) The provisions of subsection (1) of this section shall not apply-

(a) to an industrial undertaking in which only members of the same family are employed, and

(b) to work done by children in technical schools if such work is approved and supervised by public authority.

(3) If a child is employed in contravention of subsection (1) of this section, the employer and any person (other than the child employed) to whose act or default the contravention is attributable shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand rupees or imprisonment of either description for a period not exceeding six months or both such fine and such imprisonment.

Registers of industrial workers who are women or young persons.

8.

(1) The employer in a public or private industrial undertaking shall keep a register of the names and dates of birth of all women and young persons employed in that undertaking.

(2) A person who contravenes subsection (1) of this section shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding fifty rupees or, in the case of a second or subsequent offence, not exceeding two hundred rupees.

Minimum age for employment at

9.

sea. (1) Subject to the provisions of subsections (2) and (3) of this section-

(a) no master of a vessel which is registered in Ceylon as a British ship or which is owned by any person or body of persons resident or carrying on business in Ceylon shall employ a person under the age of fifteen years on that vessel, and

(b) no master of any other vessel shall engage in Ceylon a person under the age of fifteen years for employment on that vessel.

(2) The provisions of subsection (1) of this section shall not apply-

(a) to a vessel on which only members of the same family are employed, and

(b) to work done by persons under the age of fifteen years on school-ships or training-ships if such work is approved and supervised by public authority.

(3) Regulations may be made to provide that the authority designated in that behalf by the regulations may issue a certificate permitting a person who has attained the age of fourteen years and is under the age of fifteen years to be employed on a vessel if such authority is satisfied, after having due regard to the health and physical condition of such person and to the prospective as well as to the immediate benefit to him in the employment proposed, that such employment will be beneficial to him.

(4) If a person is employed in contravention of subsection (1) of this section, the employer and any person (other than the person employed) to whose act or default the contravention is attributable shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand rupees or imprisonment of either description for a period not exceeding six months or both such fine and such imprisonment.

Registers of lists of crew under the age of sixteen years. 10.

(1) The master of a vessel which is registered in Ceylon as a British ship or which is owned by any person or body of persons resident or carrying on business in Ceylon shall keep a register of the names and dates of birth of all persons under the age of sixteen years employed on that vessel, or a list of such names and dates of birth in the articles of agreement with the crew of that vessel.

(2) A person who contravenes subsection (1) of this section shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding fifty rupees or, in the case of a second or subsequent offence, not exceeding two hundred rupees.

Furnishing of information regarding employment of young persons employed 11.

(1) The employer of any young person employed on a vessel and the parent or guardian of that young person shall, if required by an

on vessels. authorized officer, furnish to that officer such information regarding the employment of that young person as that officer may require.

(2) Any employer, parent or guardian who fails to comply with subsection (1) of this section or wilfully gives false information to an authorized officer regarding the employment of any young person employed on a vessel, shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand rupees or imprisonment of either description for a period not exceeding six months or both such fine and such imprisonment.

### **PART III**

#### **EMPLOYMENT OTHER THAN EMPLOYMENT IN INDUSTRIAL UNDERTAKINGS AND AT SEA**

Application of this Part. 12. This Part of this Act shall apply in relation to employment other than employment in industrial undertakings and at sea.

Restrictions on employment of children. 13.

(1) Subject to any regulations made under section 14, no child shall be employed-

(a) before the close of school hours on any day on which he is required to attend school, or

(b) at any time between 8 p.m. and 6 a.m., or

(c) for more than two hours on any day on which he is required to attend school, or

(d) for more than two hours on any Sunday, or

(e) to lift, carry or move anything so heavy as to be likely to cause injury to him, or

(f) in any occupation likely to be injurious to his life, limb, health, or education, regard being had to his physical condition.

(2) No child shall engage or be employed in street trading.

(3) If a child is employed in contravention of any of the preceding provisions of this section, the employer and any person (other than the child employed) to whose act or default the contravention is attributable shall be guilty of an offence and shall,, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand rupees or imprisonment of either description

for a period not exceeding six months or both such fine and such imprisonment.

Regulations relating to employment of children.

14.

(1) Regulations may be made with respect to the employment of children, and any such regulations may distinguish between children of different ages and sexes and between different localities, trades, occupations and circumstances, and may contain provisions-

(a) authorizing-

(i) the employment of children by their parents or guardians in light agricultural or horticultural work, or

(ii) the employment of children for not more than one hour before the commencement of school hours on any day on which they are required to attend school, notwithstanding anything in paragraph (a) of subsection (1) of section 13, or

(iii) the employment of children in any school or other institution supervised by public authority and imparting any technical education or any other training for the purposes of any trade or occupation, or in any dramatic performance, notwithstanding anything in paragraphs (a), (b), (c) and (d) of subsection (1) of section 13;

(b) prohibiting absolutely the employment of children in any specified occupation; and

(c) prescribing-

(i) the age below which children are not to be employed,

(ii) the number of hours in each day, or in each week, for which, and the times of day at which, they may be employed,

(iii) the intervals to be allowed to them for meals and rest,

(iv) the holidays or half-holidays to be allowed to them, and

(v) any other conditions to be observed in relation to their employment;

so, however, that no such regulations shall modify the restrictions contained in section 13 save in so far as is expressly permitted by paragraph (a) of this subsection, and any restriction contained in any such regulations shall have effect in addition to the said restrictions.

(2) Nothing in paragraph (b) or paragraph (c) of subsection (1) of section 13 or in any regulation made under this section shall prevent a child from taking part

without fee or reward in an entertainment the net proceeds of which are devoted to any charitable or educational purpose or to any purpose other than the private profit of the promoters.

(3) If a child is employed in contravention of any regulation made under this section, the employer and any person (other than the child employed) to whose act or default the contravention is attributable shall be guilty of an offence and shall, on conviction after 57 summary trial before a Magistrate, be liable to a fine not exceeding one thousand rupees or imprisonment of either description for a period not exceeding six months or both such fine and such imprisonment.

Restrictions by  
Commissioner of  
Labour on employment  
of children.

15. An authorized officer if satisfied by a report of a registered medical practitioner or otherwise, that any child is being employed in such a manner as to be prejudicial to his health or physical development, or to render him unfit to obtain the proper benefit from his education, may either prohibit, or attach such conditions as the authorized officer may think fit to, his employment in that or any other manner, notwithstanding that the employment may be authorized under any other provision of this Act or under the provisions of any other written law.

Furnishing of  
information regarding  
the employment of  
children.

16.

(1) The employer of any child and the parent or guardian of that child shall, if required by an authorized officer, furnish to the authorized officer such information regarding that child's employment as the authorized officer may require.

(2) Any employer, parent or guardian who fails to comply with subsection (1) of this section or wilfully gives false information to an authorized officer regarding the employment of any child, shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand rupees or imprisonment of either description for a period not exceeding six months or both such fine and such imprisonment.

Restriction on  
employment of  
children attending  
school.

17.

(1) No person-

(a) shall employ a child in such a manner as to prevent the child from attending school in accordance with the provisions of any written law, or

(b) having received notice of any prohibition or restriction as to the employment of a child issued under section 15, shall employ that child in such a manner as to contravene that prohibition or restriction.

(2) A person who contravenes subsection (1) of this section shall be guilty of



an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand rupees or imprisonment of either description for a period not exceeding six months or both such fine and such imprisonment.

Restrictions on children taking part in entertainments.

18.

(1) A child shall not take part in any entertainment in connexion with which any charge, whether for admission or for any other purpose, is made to any of the audience.

(2) Every person who causes or procures a child, or being his parent or guardian allows him, to take part in an entertainment in contravention of subsection (1) of this section, shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand rupees or imprisonment of either description for a period not exceeding six months or both such fine and such imprisonment.

(3) The preceding provisions of this section shall have no application to the case of a child who takes part, without fee or reward, in an entertainment the net proceeds of which are devoted to any charitable or educational purpose or to any purpose other than the private profit of the promoters or which is presented by the pupils of any school supervised by public authority or by any amateur dramatic society, or in any other performance which forms part of any training undertaken by any school to be given to its pupils.

Prohibition against persons under sixteen years of age taking part in performances endangering life or limb.

19.

(1) No person under the age of sixteen years shall take part in any public performance in which his life is, or limbs are, endangered.

(2) Every person who causes or procures a person under the age of sixteen years, or being his parent or guardian allows him, to take part in any such performance as is referred to in subsection (1) of this section, shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand rupees or imprisonment of either description for a period not exceeding six months or both such fine and such imprisonment.

Restrictions on training for performances of a dangerous nature.

20.

(1) No child shall be trained to take part in performances of a dangerous nature.

(2) No person who has attained the age of fourteen years but is under the age of sixteen years shall be trained to take part in performances of a

dangerous nature except under and in accordance with the terms of a licence granted and in force under this section.

(3) Every person who causes or procures a person, or being his parent or guardian allows him, to be trained to take part in performances of a dangerous nature in contravention of this section, shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand rupees or imprisonment of either description for a period not exceeding six months or both such fine and such imprisonment.

(4) An authorized officer may grant a licence for a person who has attained the age of fourteen years but is under the age of sixteen years to be trained to take part in performances of a dangerous nature.

(5) Where an application is made to an authorized officer for a licence under this section to train any person to take part in performances of a dangerous nature, that officer may direct-

(a) the applicant to produce a certificate from a medical officer of the Department of Health as to whether or not the health of the person to be trained will be affected by the training, or

(b) the Superintendent of Police, or any other police officer or any prescribed officer specified in the direction, to investigate and report whether or not there is cause why the licence should not be granted. The authorized officer shall take into consideration such certificate or report when making a decision on such application.

(6) A licence under this section shall specify the place or places of training of the person to be trained in accordance with the licence and shall embody such conditions as are, in the opinion of the authorized officer, necessary for the protection of that person. A licence shall not be refused if the authorized officer is satisfied that the person who is to be trained is fit and willing to be trained and that proper provision has been made to secure his health and kind treatment.

(7) A licence under this section may, on cause being shown by any person, be revoked by an authorized officer.

## **PART IV**

### **PROVISIONS APPLICABLE TO ALL EMPLOYMENT**

Regulations relating to employment of young persons. 21.

(1) Subject to the provisions of subsection (2) of this section, regulations may be made with respect to the employment of young persons, and any such regulation may distinguish between young persons of different ages and sexes, and between different localities, trades, occupations and circumstances, and may contain provisions prescribing-

(a) the number of hours in each day or in each week for which, and the times of day at which, they may be employed.

(b) the intervals to be allowed to them for meals or rest,

(c) the holidays or half-holidays to be allowed to them, and

(d) any other conditions to be observed in relation to their employment.

(2) Nothing in subsection (1) of this section shall empower the making of any regulations which are inconsistent with any other provisions of this Act.

(3) Every person who contravenes any regulation made under subsection (1) of this section shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand rupees or imprisonment of either description for a period not exceeding six months or both such fine and such imprisonment.

Furnishing of information regarding employment of women and young persons. 22.

(1) The employer of any woman and the employer, parent or guardian of any young person shall, if required by an authorized officer, furnish to that officer such information regarding the employment of that woman or young person as that officer may require.

(2) Any employer, parent or guardian who fails to comply with subsection (1) of this section or wilfully gives false information to an authorized officer regarding the employment of any woman or young person shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand rupees or imprisonment of either description for a period not exceeding six months or both such fine and such imprisonment.

## **PART V**

### **GENERAL**

Division between industry and non-industrial occupations. 23. The line of division which separates industry from agriculture, commerce and other non-industrial occupations shall be defined by regulations.

Inspection, and furnishing or taking of copies, of registers and lists kept under this Act. 24. (1) A person who is required by this Act to keep a register or list shall, when requested to do so by an authorized officer, produce the register or list for inspection by such officer and furnish to such officer, or permit such officer to take, a copy of the register or list or any part thereof.

(2) A person who fails to comply with subsection (1) of this section, or who keeps, or knowingly produces or causes to be produced for inspection, any register or list which is false in material particulars, shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand rupees or imprisonment of either description for a period not exceeding six months or both such fine and such imprisonment.

Powers of entry. 25. (1) An authorized officer may enter a building or place wherein an industrial undertaking is carried on, or a vessel, and may examine the building, place or vessel and question any person therein for the purpose of ascertaining whether any person is employed therein in contravention of this Act.

(2) An authorized officer may enter any place in which any woman, young person or child is, or is believed to be, employed, or, as the case may be, in which he or she is, or is believed to be, taking part in an entertainment or performance, or being trained, and may make inquiries therein with respect to him or her.

(3) Any person who obstructs an authorized officer in the exercise of any power conferred on him by this Act, or who refuses to answer or answers falsely any inquiry authorized by this section to be made, shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand rupees or imprisonment of either description for a period not exceeding six months or both such fine and such imprisonment.

The furnishing of information, &c., by any class of employers may be required by notice published in the Gazette and newspapers. 26. (1) Where an authorized officer requires-

(a) any information regarding the employment of women, children or young persons by any class of employers, or

(b) copies of the whole or any part of any registers or lists kept under this Act by any class of employers,

that officer may, by notice published in not less than two issues of the Gazette and in not less than two issues of at least one Sinhalese newspaper, one Tamil newspaper and one English newspaper circulating in Ceylon, require employers of that class to furnish such information or copies to that officer within such time not less than thirty days as shall be specified in the notice.

(2) Every person who fails to comply with a notice published under subsection (1) of this section or who furnishes false information regarding such employment as is referred to in paragraph (a) of that subsection or a false copy of any such register or list as is referred to in paragraph (b) of that subsection shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand rupees or imprisonment of either description for a period not exceeding six months or both such fine and such imprisonment.

In prosecution for employment in contravention of this Act employer may prove that some other person committed the offence. Cap. 20.

27. (1) Where an employer is charged with employing any person in contravention of any provisions of this Act, he shall, upon complaint made by him in accordance with the provisions of section 148 of the Criminal Procedure Code and on his giving to the prosecution not less than three days' notice of his intention to proceed under this section, be entitled, subject to the provisions of Chapter XV of that Code, to have any person (other than the person employed) to whose act or default he alleges that the contravention was due, brought before the court as a party to the proceedings, and such other person may be convicted of the offence if, after the contravention has been proved, the employer proves to the satisfaction of the court that the contravention was due to the act or default of such other person; and if the employer further proves to the satisfaction of the court that he has used due diligence to secure that the aforesaid provisions should be complied with, he shall be acquitted of the offence. The prosecution against such other person shall be conducted by or on behalf of the employer.

(2) Where such employer as is referred to in subsection (1) of this section avails himself of the provisions of that subsection-

(a) the prosecutor in the proceedings against him shall have the right to cross-examine him, if he gives evidence in the proceedings against the other person, and any witness called by him in support of his charge against the other person and to call

rebutting evidence, and

(b) the court may make such order as it thinks fit for the payment of costs not exceeding twenty-five rupees by any party to the proceedings to any other party thereto, and any sum so ordered to be paid shall be recoverable in the same manner as a fine imposed by the court.

Evidence. 28.

(1) Where any entry is required by or under this Act to be made by an employer in any register or list, any such entry made by or on behalf of that employer shall as against him be admissible as a fact stated in that register or list.

(2) The fact that any entry required by any provision of this Act or of any regulation to be made in any register or list has not been made shall be admissible as evidence that such provision has not been complied with.

Provision regarding prosecution. 29. No prosecution for any offence under this Act shall be instituted except by or with the written permission of the Commissioner of Labour.

Medical examination of young persons and children.

30.

(1) An authorized officer may require any Government medical officer to examine any person who appears to be a young person or child in order to ascertain his age or for any other purpose of this Act. The employer of the person to be examined shall permit such medical officer, where necessary, to enter the place of employment and examine that person, and that person shall submit himself to the medical examination.

(2) Every employer who contravenes the provisions of subsection (1) of this section shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand rupees or imprisonment of either description for a period not exceeding six months or both such fine and such imprisonment.

Regulations. 31.

(1) The Minister may make regulations in regard to all matters for which regulations are required or permitted by this Act to be made and for prescribing all matters which are required or permitted by this Act to be prescribed.

(2) No regulation made by the Minister shall have effect until it is approved by the Senate and the House of Representatives and notification of such approval is published in the Gazette.

(3) A regulation made by the Minister and approved by the Senate and the House of

Representatives shall, when notification of such approval is published in the Gazette, be as valid and effectual as if it were herein enacted.

Application of 32.  
this Act.

(1) The provisions of this Act shall be in addition to and not in derogation of any other written law in force in Ceylon relating to the employment of women, young persons, and children:

Provided, however, that the provisions of this Act shall prevail in a case where there is a conflict between this Act and any other written law.

(2) The provisions of this Act imposing restrictions on employment or on the taking part by children in entertainments, and the provisions of any regulations-

(a) shall not affect any provisions with respect to school attendance which may be contained in any written law for the time being in force relating to education, and

(b) shall not apply to a person detained in an approved school or in any prescribed institution.

Cap. 23. In this subsection, " approved school" has the same meaning as in the  
23 Children and Young Persons Ordinance

Repeals. 33.

(1) The following Ordinances are hereby repealed: -

(a) The Employment of Women, Young Persons, and Children Ordinance, No. 6 of 1923.

(b) The Employment of Women (Revised Convention) Ordinance, No. 16 of 1940.

Cap. 23. (2) Part IV of the Children and Young Persons Ordinance is hereby repealed.

Interpretation. 34.

(1) In this Act, unless the context otherwise requires-

" authorized officer" means the Commissioner of Labour, any Deputy or Assistant Commissioner of Labour, or any other officer of the Department of Labour who is appointed by the Commissioner of Labour as an authorized officer for the purposes of this Act;

" child " means a person who is under the age of fourteen years;

" employer" means any person who on his own behalf employs or on whose behalf any other person employs any woman, young person or child, and includes any person who on behalf of any other person employs any woman, young person or

child;

" family", with reference to an employer, means the employer and the spouse and any children of the employer;

" industrial undertaking "-

(a) with respect to the employment of women on night work, includes particularly-

(i) undertakings engaged in working mines or quarries, or in other works for the extraction of minerals from the earth;

(ii) undertakings in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed;

(iii) undertaking engaged in ship building or in the generation, transformation or transmission of electricity or motive power of any kind; and

(iv) undertakings engaged in building and civil engineering work, or in constructional repair, maintenance, alteration or demolition work;

(b) with respect to the employment of persons under the age of eighteen years on night work, includes particularly-

(i) the undertakings specified in paragraph (a) of this subsection, and

(ii) undertakings engaged in the transport of passengers or goods by road or rail, or in the handling of goods at docks, quays, wharves, warehouses or airports; and

(c) with respect to the employment of persons under the age of fourteen years, includes particularly-

(i) the undertakings specified in sub-paragraphs (i), (ii) and (iii) of paragraph (a) of this subsection;

(ii) 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, water-work, or other work of construction, as well as the preparation for or laying the foundations of any such work or structure; and

(iii) transport of passengers or goods by road or rail or inland waterway, and the handling of goods at docks, quays, wharves and warehouses, but excluding transport by hand;

" night "-

(a) with reference to the employment of women, means at least eleven consecutive



hours including the period between 10 p.m. and 5 a.m., and

(b) with reference to the employment of persons under the age of eighteen years, means at least twelve consecutive hours which shall end not later than 6 a. m. and which-

(i) in the case of such of those persons as are under the age of sixteen years, shall include the eight consecutive hours between 10 p.m. and 6 a.m.,

(ii) in the case of such of those persons as have attained the age of sixteen years, shall, subject to the provisions of sub-paragraph (iii), include at least seven consecutive hours falling between 10 p.m. and 6 a.m., and

[§ 4, 43 (iii) in the case of such of those persons as have attained the age of sixteen of years and are undergoing vocational training in the baking industry or are 1964.] apprentices in that industry, shall, if work during the night in that industry is prohibited for all workers, include the seven consecutive hours falling between 9 p.m. and 4 a.m. instead of the period of at least seven consecutive hours referred to in sub-paragraph (ii) if the Minister by Order published in the Gazette so directs;

" performance of a dangerous nature " includes all acrobatic performances and all performances as a contortionist;

" prescribed " means prescribed by regulations;

" regulation" means a regulation made under this Act;

" street trading " includes the hawking of articles of food or drink, newspapers, matches, flowers and other articles, playing, singing or performing for profit, advertising, shoe-blackening and other like occupation carried on in streets or public places;

" vessel " includes a ship or boat, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned, but does not include a ship of war;

" woman " means a female person who has attained the age of eighteen years; and

" young person " means a person who has attained the age of fourteen years but is under the age of eighteen years.

(2) For the purposes of this Act and of any regulation-

(a) a person who is attending an elementary school and who attains the age of fourteen years during a school term shall not be deemed to cease to be a child until the end of that term;

(b) a person who assists in a trade or occupation carried on for profit shall be

deemed to be employed notwithstanding that he receives no reward for his labour;  
and

(c) a chorister taking part in a religious service or practising for a religious service shall not, whether he receives any reward or not, be deemed to be employed.