(*b*) sub-paragraph (ii) of paragraph (*e*) of subsection (1) of section three hundred and thirty-eight of the Companies Act, 1929, shall not apply, and sub-paragraph (iii) of that paragraph shall have effect as if the words " or any member thereof as such " were omitted;

(*c*) a petition for winding up the Spindles Board may be presented by the Board of Trade as well as by any person authorised under the provisions of the Companies Act, 1929, to present a petition for winding up a company; and

(*d*) no person shall, in the event of the winding up of the Spindles Board, be liable to contribute to the assets of the Board by reason only of his being or having been a member of the Board.

18. Upon the winding up of the Spindles Board any assets of the Board remaining after the payment of the debts and liabilities of the Board and the costs and expenses of the winding up, shall be applied in paying to the Board of Trade such sum (if any) as would be payable to them by the Spindles Board if any amounts paid by the Board of Trade to the Spindles Board under section ten of this Act had been paid by way of loans bearing interest at the rate of two-and-a-half per cent. per annum, but, subject as aforesaid, shall be applied for the benefit of the cotton-spinning industry in Great Britain in such manner as the Board of Trade may direct.

CHAPTER 22.

An Act to carry out certain draft International Conventions relating to the employment of women during the night and to hours of work in automatic sheet-glass works, to amend the law relating to the hours of employment of women holding responsible positions of management who are not ordinarily engaged in manual work, and for purposes connected with the matters aforesaid. [14th July 1936.]

WHEREAS at its Eighteenth Session held at Geneva in June, nineteen hundred and thirty-four, the General Conference of the International Labour Organisation adopted two draft Conventions entitled " the Night

Work (Women) Convention (Revised) 1934," and "the Sheet-Glass Works Convention, 1934," and containing (together with other provisions) the provisions set out in Part I and Part II of the Schedule to this Act respectively;

And whereas the first of the said draft Conventions is intended to replace the Convention containing the provisions set out in Part III of the Schedule to the Employment of Women, Young Persons and Children Act, 1920; 10 & 11 Geo. 5. c. 56.

And whereas it is expedient that for the purposes of, and in connection with, the ratification of the said draft Conventions, the provisions contained in this Act should have effect:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Restriction on the employment of women by night in industrial undertakings.

1.—(1) No woman shall be employed at night in any industrial undertaking except to the extent to which, and in the cases in which, such employment is permitted under the provisions of the Night Work (Women) Convention (Revised) 1934, set out in Part I of the Schedule to this Act.

(2) This section, so far as it relates to employment in coal mines, metalliferous mines and quarries, and factories and workshops, shall have effect as if it formed part of the Coal Mines Act, 1911, and the Acts amending that Act, the Metalliferous Mines Regulation Acts, 1872 and 1875, and the Factory and Workshop Acts, 1901 to 1929, respectively. 1 & 2 Geo. 5. c. 50.

If in any place other than the places aforesaid a person employs a woman in contravention of this section, he shall be liable on summary conviction to a fine not exceeding twenty pounds, and an inspector appointed under the Factory and Workshop Acts, 1901 to 1929, shall, in relation to the case, have the same powers and duties as if the place in which the woman is employed were a factory or workshop.

(3) So much of section one of the Employment of Women, Young Persons and Children Act, 1920, as relates to the employment of women is hereby repealed.

Exemption of women in managerial positions from enactments limiting times of employment.
1 Edw. 7. c. 22.

2. Sections twenty-three to thirty-five of the Factory and Workshop Act, 1901, and sections ninety-two to ninety-five of the Coal Mines Act, 1911 (which limit the times of employment of women, young persons and children in factories, workshops and coal mines) shall not apply in relation to women holding responsible positions of management who are not ordinarily engaged in manual work.

Hours of work in automatic sheet-glass works.

3.—(1) The following provisions shall have effect for the purpose of carrying out the Sheet-Glass Works Convention, 1934 :—

(*a*) no person to whom the Convention applies shall be employed except in accordance with a system providing for at least four shifts of workers with hours of work not greater and intervals not less than those specified in paragraphs (*b*), (*c*), and (*d*) of this subsection, being a system of which due notice is given in accordance with the provisions of subsection (2) of this section;

(*b*) the hours of work of any such person shall not exceed one hundred and sixty-eight in any continuous period of four weeks;

(*c*) the length of a spell of work of any such person shall not exceed eight hours;

(*d*) the interval between successive spells of work of any such person shall not be less than sixteen hours, except that this interval may where necessary be reduced on the occasion of the periodical change-over of shifts:

Provided that in the following cases, that is to say—

(i) in case of accident, actual or threatened, or in case of urgent work to be done to machinery or plant, or in case of force majeure; or

(ii) in order to make good the unforeseen absence of one or more members of a shift,

the limits of hours and the intervals which would otherwise have to be observed and allowed under this subsection may be departed from,

but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking.

(2) Due notice shall not be deemed to be given of a system of employment unless—

(*a*) a notice is kept posted in a conspicuous position in the works giving particulars of the system and in particular specifying the number of shifts and the hours on each day at which the spells of work for each shift begin and end, and a copy of that notice has been delivered to the inspector of factories for the district in which the works are situate; and

(*b*) in the case of a change of the system of employment, a notice specifying the change has been kept posted in the works for at least one month before the date on which the change takes effect and a copy thereof has been delivered to the inspector of factories for the district in which the works are situate before the beginning of that month.

(3) Where by virtue of the proviso to subsection (1) of this section additional hours are worked by any person to whom the Convention applies, compensation for the hours so worked shall be granted by the employer in such manner as may be agreed between the organisations of employers and workers concerned or as may, in default of such agreement, be determined by such method as may be prescribed by the Secretary of State after consulting the Minister of Labour.

Every person who employs any person to whom the Convention applies shall keep a record in such form as may be prescribed by the Secretary of State of all hours so worked and the compensation granted in respect thereof.

(4) If any person employs another person in contravention of the provisions of this section or fails to comply with the requirements of subsection (3) of this section, he shall in respect of each offence be liable on summary conviction to a fine not exceeding twenty pounds.

(5) An inspector appointed under the Factory and Workshop Acts, 1901 to 1929, shall have the same

powers and duties for the purpose of the execution of the provisions of this section as he would have if those provisions were provisions of the said Acts.

(6) In this section, the expression "person to whom the Convention applies" means a person to whom the Convention is expressed to apply by Article One thereof as set out in Part II of the Schedule to this Act.

Interpretation, &c.

4.—(1) In this Act—

"Woman" means a woman of the age of eighteen years or upwards;

"Industrial undertaking" has the meaning assigned to it in the provisions set out in Part I of the Schedule to this Act.

(2) Save as therein expressly provided, the provisions of this Act are in addition to and not in derogation of any of the provisions of any other Act limiting times of employment.

Provisions as to Northern Ireland.

5.—(1) This Act shall apply to Northern Ireland subject to the following modifications:—

(*a*) for any reference to the Factory and Workshop Acts, 1901 to 1929, there shall be substituted a reference to the Factory and Workshop Acts, 1901 to 1920;

(*b*) for the words "the Secretary of State after consulting the Minister of Labour" and the words "the Secretary of State" there shall be substituted the words "the Minister of Labour for Northern Ireland."

10 & 11 Geo. 5. c. 67

(2) For the purposes of section six of the Government of Ireland Act, 1920, this Act shall, so far as it relates to matters within the powers of the Parliament of Northern Ireland, be deemed to be an Act passed before the appointed day within the meaning of that section.

Short title and commencement.

6.—(1) This Act may be cited as the Hours of Employment (Conventions) Act, 1936.

(2) This Act shall come into force on such day as His Majesty in Council may appoint and different days may be appointed for different purposes and different provisions of this Act.

SCHEDULE.

Sections 1 and 4.

PART I.

NIGHT WORK (WOMEN) CONVENTION (REVISED), 1934.

Article 1.

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, water work, or other work of construction, as well as the preparation for or laying the foundations of any such work or structure.

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

Article 2.

1. 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 was 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.

Article 6.

In industrial undertakings which are influenced by the seasons and in all cases where exceptional circumstances demand it, the night period may be reduced to ten hours on sixty days of the year.

Article 8.

This Convention does not apply to women holding responsible positions of management who are not ordinarily engaged in manual work.

Section 3.

PART II.

SHEET-GLASS WORKS CONVENTION, 1934.

Article 1.

1. This Convention applies to persons who work in successive shifts in necessarily continuous operations in sheet-glass works which manufacture by automatic machines sheet-glass or other glass of the same characteristics which only differs from sheet-glass in thickness and other dimensions.

2. By necessarily continuous operations are meant all operations which, on account of the automatic and continuous character of the feeding of the molten glass to the machines and the working of the machines, are necessarily carried on without a break at any time of the day, night or week.

Article 2.

1. The persons to whom this Convention applies shall be employed under a system providing for at least four shifts.

2. The hours of work of such persons shall not exceed an average of forty-two per week.

3. This average shall be calculated over a period not exceeding four weeks.

4. The length of a spell of work shall not exceed eight hours.

5. The interval between two spells of work by the same shift shall not be less than sixteen hours: Provided that this interval may where necessary be reduced on the occasion of the periodical change-over of shifts.

Article 3.

1. The limits of hours prescribed in paragraphs 2, 3 and 4 of Article 2 may be exceeded and the interval prescribed in paragraph 5 reduced, but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking—

(*a*) in case of accident, actual or threatened, or in case of urgent work to be done to machinery or plant, or in case of *force majeure*; or

(*b*) in order to make good the unforeseen absence of one or more members of a shift.

2. Adequate compensation for all additional hours worked in accordance with this Article shall be granted in such manner as may be determined by national laws or regulations or by agreement between the organisations of employers and workers concerned.

Article 4.

In order to facilitate the effective enforcement of the provisions of this Convention every employer shall be required:

(*a*) to notify, by the posting of notices in conspicuous positions in the works or other suitable place or by such other method as may be approved by the competent authority, the hours at which each shift begins and ends;

(*b*) not to alter the hours so notified except in such manner and with such notice as may be approved by the competent authority; and

(*c*) to keep a record in the form prescribed by the competent authority of all additional hours worked in pursuance of Article 3 of this Convention and of the compensation granted in respect thereof.