1965 No. 2046

SHOPS AND OFFICES

The Offices, Shops and Railway Premises Act 1963 (Exemption No. 3) Order 1965

Made - - - - 1*st December* 1965

Coming into Operation 1*st January* 1966

The Minister of Labour—

(*a*) by virtue of the powers conferred on him by section 45 of the Offices, Shops and Railway Premises Act 1963(a) (hereafter in this Order referred to as " the Act ") and of all other powers enabling him in that behalf; and

(*b*) after consulting, pursuant to section 45(4) of the Act, organisations appearing to him to be representative of workers concerned and employers concerned, respectively, and it appearing to him that there are no other persons concerned;

hereby makes the following Order:—

1.—(1) This Order may be cited as the Offices, Shops and Railway Premises Act 1963 (Exemption No. 3) Order 1965 and shall come into operation on 1st January 1966.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

(3) For the purposes of this Order " building " includes structure.

2. The Minister of Labour hereby exempts the class of premises specified in Article 3 of this Order from the requirements imposed by section 9 (which relates to sanitary conveniences) of the Act, subject to the conditions specified in Article 4 of this Order.

3. Article 2 of this Order applies to buildings in the case of which all the following circumstances exist, that is to say—

(*a*) that they consist of one room only;

(*b*) that their floor area does not exceed one hundred square feet;

(*c*) that they do not form part of a larger building and are unconnected with and separate from any other building;

(*d*) that members of the public are not permitted to enter therein;

(*e*) that they are used solely or principally for the purpose of retail sales (including the sale to members of the public of food or drink for immediate consumption);

(*f*) that they are situated in a public park, garden, pleasure ground, ornamental enclosure or recreation ground, or in public grounds being or containing any place of historic, architectural, artistic or similar interest, or on a heath or common, or on or immediately adjacent to any public walk or promenade by sea, river or lake, or in a public open space similar to any of the foregoing, or on or in the immediate vicinity of a beach; and

(a) 1963 c. 41. (b) 52 & 53 Vict. c. 63.

(*g*) that members of the public are admitted to the place where the building is situated for the purposes of recreation and are able to resort to the building without payment for admission to that place.

4. The conditions referred to in Article 2 of this Order are the following, that is to say—

(*a*) that suitable and conveniently accessible sanitary conveniences (whether or not they are sanitary conveniences available for use by all members of the public, or all members of the public of the same sex, and whether or not provided by a county council or local authority by virtue of powers contained in any enactment) shall be available for use by persons employed to work in any premises of the class to which Article 2 of this Order applies;

(*b*) that the said sanitary conveniences shall be kept clean and properly maintained and that effective provision shall be made for lighting and ventilating them;

(*c*) that the accommodation in which the said sanitary conveniences are situated shall be covered to an extent sufficient to ensure protection from the weather for persons using them;

(*d*) that every such sanitary convenience (other than urinals) shall be enclosed to an extent sufficient to ensure privacy and be fitted with a suitable door and door fastening;

(*e*) that every urinal shall be so placed or so screened as not to be visible outside the accommodation where the urinal is situated;

(*f*) except in the case of sanitary conveniences which are not available for general use by members of the public and are not regularly available for use by more than five persons, that there shall be separate accommodation available for persons of each sex; and

(*g*) that the occupier of any premises of the class to which Article 2 of this Order applies shall pay or discharge on behalf of the persons employed to work in those premises or shall refund to them any charge in respect of the use of the said sanitary conveniences.

5. The exemption granted by this Order shall be for the period commencing on 1st January 1966 and ending on 31st December 1968.

Signed by order of the Minister of Labour 1st December 1965.

L. J. Dunnett,
Secretary,
Ministry of Labour.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order exempts for the period 1st January 1966 to 31st December 1968 certain small buildings and structures used for retail sales and situated in certain public open spaces or on or near beaches from the requirements of section 9 of the Offices, Shops and Railway Premises Act 1963 as to sanitary conveniences for employed persons. The exemption is granted subject to conditions requiring that suitable public or other sanitary conveniences shall be available for use by persons employed to work in the exempted premises.