The Young Persons (Certificates of Fitness) Rules, 1948

1948 No. 2162

Made - - - - 22nd September, 1948
Coming into Operation 1st October, 1948

The Minister of Labour and National Service (hereinafter referred to as " the Minister ") by virtue of the powers conferred by sections 99 and 126 of the Factories Act, 1937 (hereinafter referred to as " the principal Act,") sections 1 and 2 of the Factories Act, 1948, the Transfer of Functions (Factories &c. Acts) Order, 1946(a), and of all other powers in that behalf hereby makes the following rules:—

1 Edw. 8 and 1 Geo. 6. c. 67. 11 & 12 Geo.6. c. 55.

Short title and commencement.

1.—(1) These rules may be cited as the Young Persons (Certificates of Fitness) Rules, 1948, and shall come into force on the first day of October, 1948.

52 & 53 Vict. c. 63.

(2) The Interpretation Act, 1889, applies to the interpretation of these rules as it applies to the interpretation of an Act of Parliament.

Revocation.

2. The Young Persons (Certificates of Fitness) Rules, 1938(b), are hereby revoked.

Application.

3. These rules apply as respects examinations of young persons by an Appointed Factory Doctor under section 99 of the principal Act, and sections 1 and 2 of the Factories Act, 1948, and the issue of certificates of fitness thereunder.

Notice to appointed factory doctor.

4.—(1) Not later than seven days after taking a young person into an employment in respect of which a certificate of fitness will be required if the employment continues for more than fourteen days the employer shall, unless he intends that such employment shall not continue beyond fourteen days, send notice thereof in writing to the Appointed Factory Doctor.

(2) The employer shall also notify the Appointed Factory Doctor in writing when he desires any re-examination of a young person for the purpose of compliance with a condition attached to a certificate of fitness or with a view to the issue of a further certificate.

Place of examination.

5. Except where otherwise authorised or directed by the Inspector for the district in writing, every examination to which these rules relate shall—

(*a*) if the young person is employed at a factory within the meaning of section 151 of the principal Act or at premises to which subsection (1) of section 103 or section 104 of that Act applies, be conducted at that factory or at those premises as the case may be, or, if not more than three young persons are employed thereat, at a place approved by the Chief Inspector for the purpose; and

(*b*) if the young person is employed elsewhere, be conducted at a place approved by the Chief Inspector for the purpose.

Accommodation for examinations.

6. For the purpose of examinations conducted at a factory or at premises to which subsection (1) of section 103 or section 104 of the

(a) S.R. & O. 1946 (No. 376) I, p. 1006.
(b) S.R & O. 1938 (No. 535) I, p. 1233.

principal Act applies the occupier shall provide for the exclusive use of the Appointed Factory Doctor on the occasion of an examination a room properly cleaned and adequately warmed and lighted and furnished with a screen, a table with writing materials and chairs.

Facilities for Appointed Factory Doctor to inspect process, etc.

7. The employer shall afford to the Appointed Factory Doctor adequate facilities for inspecting any process, operation or work in which a young person requiring to be examined or re-examined by him is or is intended to be employed.

Group employments.

8.—(1) In relation to the extended powers to issue a certificate of fitness which are conferred on an Appointed Factory Doctor by subsection (3) of section 1 of the Factories Act, 1948, the Minister hereby directs that the employments set out in Group A and Group B shall be treated respectively as belonging to the same group—that is to say—

Group A (*Ships*).—Employments in yards or dry docks in the construction, re-construction, repair, refitting, finishing or breaking up of ships or vessels; and employments in any of the processes or work mentioned in subsection (2) of section 105 of the principal Act (which relates to the loading, unloading and coaling of ships) or in section 106 of that Act as amended by subsection (3) of section 14 of the Factories Act, 1948 (which relates to certain work on ships in a harbour or wet dock).

Group B (*Building and Civil Engineering*).—Employments in building operations or in work of engineering construction.

(2) A certificate of fitness in respect of employments belonging to Group A (Ships) shall be restricted to employments under the same employer.

Record cards.

9.—(1) In the case of each young person who is to be examined by the Appointed Factory Doctor there shall be entered on a record card (which shall be retained by the said doctor for such period as the Minister may direct) the following particulars—

(*a*) the name and address of the employer of the young person at the time of the examination;

(*b*) the name, address and date of birth of the young person; and

(*c*) the page of the general register and the number of the entry containing the prescribed particulars as to that young person.

(2) The said record card shall be in such form as the Minister may direct and the said particulars shall be entered thereon by the employer if the examination is conducted at the place of employment of the young person, but in any other case the said particulars as given in the said register shall be entered by the doctor.

Certificates and registers.

10. The Appointed Factory Doctor shall issue his certificate and indicate his decisions by entries in the general register; and where in accordance with Rule 5 of these rules an examination is conducted elsewhere than at the place of employment of the young person concerned, the employer of the young person shall make arrangements for the register to be taken, for the use of the Doctor, to the place where the examination is to be conducted, and to be returned as soon as practicable to the place where the register is normally to be kept:

Provided that where the Doctor issues a certificate in respect of—

(*a*) employment at more than one factory in the occupation of the same occupier; or

(*b*) employments which are treated by virtue of Rule 8 hereof as belonging to the same group

the certificate shall be in the form indicated in the Schedule to these rules and shall be attached to the general register in which particulars of the young person are required to be entered under section 116 of the principal Act, and there shall be entered in such register, in accordance with directions given therein, the reference number and date of the certificate, and the name and address of the Doctor who issued it.

Dated this 22nd day of September, 1948.

G. A. Isaacs,
Minister of Labour and National Service.

SCHEDULE

Factories Acts, 1937 and 1948

Reference No.

Certificate of Fitness of a Young Person for Grouped Employments

I certify that I have personally examined the following young person—

(Name in full).....

whose address is.....
I find such person fit for employment to the extent specified and subject to the conditions indicated below—

Extent of Employment Covered by this Certificate

Part I.—Employment at the following Factories in the occupation of the same occupier, and within the district at present assigned to me as Appointed Factory Doctor, namely—

(Insert name of occupier).....

(Insert principal address of occupier).....

.....

Address of factory	Extent of employment in the factory (*Insert either "All kinds" or specify the particular departments, processes or kinds of work to which the certificate is confined.*)
1.	.....
2.	.....
3.	.....
4.	.....

Part II.—Employment as follows in Yards or Dry Docks in the construction, reconstruction, repair, refitting, finishing or breaking up of Ships or vessels; and employments in any of the processes or work mentioned in subsection (2) of section 105 of the Factories Act, 1937 (which relates to the loading, unloading and coaling of ships) or in section 106 of that Act as amended by subsection (3) of section 14 of the Factories Act, 1948 (which relates to certain work on ships in a harbour or wet dock).

Name of employer.....

Address of employer.....

Place, district, or area of employment covered by this certificate.....
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Extent of employment (*Insert either "all kinds" or specify the particular processes, operations or kinds of work to which the certificate is confined.*).....
.....

PART III.—Employment as follows in BUILDING OPERATIONS or in WORK OF ENGINEERING CONSTRUCTION—

Name of employer (*If the certificate is to cover employment by more than one employer, insert names and addresses of employers or "Any employer", as the case may be.*).....
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Address of employer.....

Place, district or area of employment covered by the certificate.....
.....

Extent of employment (*Insert either "all kinds" or specify the particular processes, operations or kinds of work to which the certificate is confined.*).....
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CONDITIONS ATTACHED TO THIS CERTIFICATE

(*a*) If none, insert "None"

(*b*) If granted subject to re-examination within 12 months, insert date. (*If no date is inserted, the certificate will expire at the end of 12 months.*) — To be re-examined before.....
.....

(*c*) If certificate is provisional only (i.e., valid for not more than 21 days in accordance with Section 99 (2) of the Factories Act, 1937). — Expiring on.....
.....

Signed .....
(*Appointed Factory Doctor*)

Address of Doctor .....

Date .....

EXPLANATORY NOTE

(*This Note is not part of the Rules, but is intended to indicate their general purport.*)

Section 99 of the Factories Act, 1937, together with sections 1 and 2 of the Factories Act, 1948, provide for the examination of young persons by Appointed Factory Doctors and the issue of certificates of fitness and enable Rules to be made in respect of these matters. These Rules made under the above powers supersede the Rules made in 1938. They cover the same ground, but also deal in Rule 8 with the grouping of employments in relation to the extended powers to issue a certificate of fitness conferred on Appointed Factory Doctors by section 1 (3) of the Act of 1948.