EXPLANATORY NOTE

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

These rules provide for the recording by shorthand or mechanical means of criminal proceedings in respect of which an appeal lies to the Court of Criminal Appeal. The rules also make provision relating to the preparation and furnishing of a transcript of any such proceedings to the persons mentioned in rule 18E.

1967. No. 333

As this Order has been classified as local it is not printed at length in this volume. A summary is given in the List of Statutory Rules and Orders of a Local Character under the heading GAS.

1967. No. 334 **[C]**

OFFICE AND SHOP PREMISES

Information for Employees

REGULATIONS, DATED 18TH DECEMBER 1967, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER SECTION 49 OF THE OFFICE AND SHOP PREMISES ACT (NORTHERN IRELAND) 1966.

The Ministry of Health and Social Services in exercise of the powers conferred on it by section 49 of the Office and Shop Premises Act (Northern Ireland) 1966(a) and of all other powers enabling it in that behalf, hereby makes the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Office and Shop Premises (Information for Employees) Regulations (Northern Ireland) 1967 and shall come into operation on 1st May 1968.

(2) In these Regulations:—

"the Act" means the Office and Shop Premises Act (Northern Ireland) 1966;

"the abstract" means the particulars of the Act and regulations thereunder as set out in the Schedule and reproduced in the form of a placard; and

"the information book" means the particulars of the Act and regulations thereunder as set out in the Schedule and reproduced in the form of a book.

(a) 1966. c. 26 (N.I.).

Premises to which the Regulations apply

2.—(1) Subject to paragraph (2), these Regulations shall apply to all office and shop premises to which the Act applies.

(2) Nothing in these Regulations shall apply to any premises which are in a covered market place to which section 50 (power to adapt Act in relation to covered markets) of the Act relates.

Information to be given to employees

3. The employer of persons employed to work in premises to which these Regulations apply shall at all times at which persons are employed by him to work in the premises, keep posted therein, in accordance with Regulation 4, a copy or copies of the abstract or of the information book:

Provided that where, by reason of the circumstances of his work or of the position or positions in which the copy or copies of the abstract or of the information book provided by his employer are kept posted in the premises, any person employed for more than four weeks on any occasion to work in the premises cannot easily see and read a copy of the abstract or of the information book, his employer shall give to him, in accordance with Regulation 5, a copy of the information book.

Posting of abstracts or information books

4. Copies of the abstract or of the information book kept posted in the premises—

(*a*) shall be posted in such numbers and in such positions as to be easily seen and read by all the persons employed to work in the premises whose employment therein on any occasion has lasted for more than four weeks except persons so employed who have been given copies of the information book; and

(*b*) where posted in the open shall be protected from the weather in such manner or by such means as will prevent damage to the abstract or the information book.

Giving of information books

5. Where, in accordance with the proviso to Regulation 3, an employer is required to give a copy of the information book to any person employed it shall be the duty of the employer—

(*a*) to give (unless he has done so within the period of twelve months immediately preceding the date on which the employment commenced) to such a person a copy of that book not later than four weeks after any occasion on which, after the date on which these Regulations come into operation, he begins to be employed by that employer to work in the premises;

(*b*) to give a copy of that book to such a person who, at the date on which the Regulations come into operation, is employed to work in the premises and whose employment therein has then lasted, or thereafter lasts, for more than four weeks.

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 18th day of December 1967.

(L.S.) *S. H. O'Fee,*
Assistant Secretary.

SCHEDULE

Regulation 3

Abstract of the Act and of Regulations made thereunder

SCOPE OF THE ACT

1. *General.* Provided that people are employed to work in the premises, the Act applies generally to all offices and shops (including catering establishments open to the public, wholesale establishments and fuel storage premises). (Section 1(1))

2. *Date of commencement.* Unless another date is shown, the provisions of the Act came into effect on 1st July 1967 or earlier. (Section 83)

3. *Offices and Shops.* The Act does not apply only to rooms in which people work. It covers other parts of the premises occupied together with an office or shop for the purpose of the activities carried on in the office or shop. Thus, stairs, passages, landings, storerooms, entrances, exits and yards may be covered. Generally the Act also applies to the parts of the buildings which are used by employees, such as halls, lifts and stairways, even if these "common parts" are not included within the lease(s) of the occupier(s) of premises to which the Act applies. (Sections 1(2) and (3) and 42)

4. *Canteens.* The Act also applies to canteens which cater wholly or mainly for persons employed in particular office or shop premises. (Section 1(4))

5. While the Act has an extensive coverage certain kinds of premises which might otherwise be within its scope are excluded. These premises are:—

(1) premises where only self-employed persons work. To be within scope there must be at least one person employed to work in the premises under a contract of service or apprenticeship. Such a contract may be oral or written, express or implied; (Sections 1(1) and 81(1))

(2) businesses where the only people employed are any of the following immediate relatives of the employer:—husband, wife, parent, grandparent, son, daughter, grandchild, brother, or sister. If any other person is employed to work in the premises, or if the employer is a limited company, the business is covered by the Act; (Section 2(1))

(3) outworkers' dwellings; (Section 2(2))

(4) premises where the sum of hours worked by all the employees is normally not more than 21 each week; (Section 3)

(5) premises occupied *solely* by members of the armed forces of the United Kingdom or of certain other countries. But those parts of the premises in which civilians are employed in offices or shops will be within scope; (Sections 77(6) and 78)

(6) premises which, under the Factories Act (Northern Ireland) 1965 form part of a factory; (Section 79(1))

(7) premises in docks used for selling fish wholesale; (Section 79(2))

(8) parts of mines below ground; (Section 79(3))

(9) mobile offices and mobile shops, since these are not regarded as premises (but see the next paragraph for certain premises occupied for transitory purposes for short periods). (Section 1)

6. In effect, the Act also excludes from its requirements premises used for a temporary purpose which is accomplished within a short period from the date of occupation. For "movable structures" such as most offices on building sites, portable exhibition stands, marquees, etc., the period permitted by this exclusion is six months. For premises other than "movable structures", the permitted period is six weeks. It will be a defence in any legal proceedings based on the Act to prove that the occupation of the premises did not last longer than these periods. If the occupation over-runs the permitted period, the occupier is liable not only for subsequent offences under the Act but also for any failure to comply with it during that period. (Section 80)

7. *Persons protected.* All persons employed to work in the premises, whatever their occupation, are given the same protection under the Act. The protection is not restricted to clerical workers and shop assistants. (Section 1)

RESPONSIBILITY FOR COMPLYING WITH THE ACT

8. Generally speaking, the occupier of premises is responsible for complying with the provisions of the Act, but some responsibilities are transferred to the owner in cases where the occupier's premises covered by the Act are held on lease and do not take up a whole building. (Section 42)

GENERAL REQUIREMENTS OF THE ACT

9. *Cleanliness.* All premises, furniture, fittings and furnishings must be kept in a clean state. No dirt or refuse must be allowed to accumulate, and floors and steps must be cleaned not less than once a week by washing, or, if it is effective and suitable, by sweeping or some other method. This provision does not apply to fuel storage premises in the open air. (Section 4)

10. *Overcrowding*

(1) A room in which people work must not be so overcrowded as to cause risk of injury to health. For this purpose, regard must be paid not only to the number of people in the room, but to the amount of space occupied by furniture, fittings, machinery and other things.

(2) In addition, after the dates mentioned in sub-paragraph (4) below, a room where people work must be of such a size that there is 40 square feet of floor space in respect of each person habitually employed to work at a time in the room, or where the ceiling is lower than 10 feet, 400 cubic feet in respect of each such person. For this purpose, furniture, fittings, machinery and other things should be ignored when measuring the size of the room.

(3) These numerical space standards do not apply to a room to which members of the public are invited to resort—for example, most parts of a shop—although such rooms will still be subject to the general prohibition of unhealthy overcrowding.

(4) Premises which were used for purposes covered by the Act on 7th July 1966 will not be subject to the numerical space standards until 1st July 1970. Premises which were not so used on 7th July 1966 (including those which first came into use after that date) must conform to these standards as from 1st July 1967 or from the date when they are first used if later. (Section 5)

11. *Temperature*

(1) Provision must be made for ensuring that a reasonable temperature can be maintained in every room in which people are employed to work otherwise than for short periods. For rooms where a substantial proportion of the work does not involve severe physical effort, a "reasonable temperature" shall be not less than 16° Centigrade (60·8° Fahrenheit) after the first hour. Methods of heating likely to cause injurious or offensive fumes are prohibited.

(2) This minimum standard of temperature is not required in office rooms used by the public where its maintenance is not reasonably practicable; or in rooms in shop premises where its maintenance is not reasonably practicable or would cause deterioration of goods. In these cases, employees must have access to means of warming themselves and the employer must give them reasonable opportunities to do so.

(3) A suitable thermometer for enabling the temperature to be readily determined must be provided in a conspicuous place on each floor, if there is on that floor a room or rooms in which a "reasonable temperature" has to be maintained. Employees must be permitted to use the thermometer to check the temperature of the room in which they work. (Section 6)

12. *Ventilation.* In all workrooms, there must be effective and suitable means of ventilation by the circulation of adequate supplies of either fresh or artificially purified air. (Section 7)

13. *Lighting.* There must be provision for suitable and sufficient lighting, either natural or artificial, in every part of the premises in which persons work or pass. Windows and skylights used for lighting must be kept clean both inside and outside and free from obstruction so far as reasonably practicable but they can be white-washed or shaded to mitigate heat or glare. Artificial lighting apparatus must be properly maintained. (Section 8)

14. *Sanitary conveniences*

(1) Sufficient and suitable conveniences must be provided. They must be kept clean and properly maintained, with effective lighting and ventilation. If conveniences are not provided on or near the premises for the sole use of the workers covered by the Act, arrangements may be made for them to use conveniences provided for others, (for example, for the staff of another concern in neighbouring premises) provided that all the requirements of the Act and regulations are met. Conveniences must in all cases be conveniently accessible to the workers. All these provisions apply from 1st July 1967. (Section 9)

(2) The Office and Shop Premises (Sanitary Conveniences) Regulations (Northern Ireland) 1967 (S.R. & O. 1967, No. 195) lay down additional, more detailed requirements which come into effect on 1st January 1969. The Regulations* require that a water closet or closets must be provided wherever it is reasonably practicable to provide a connection with a drainage system and water for flushing. Where this is not reasonably practicable, a chemical closet or closets must be provided. One closet is sufficient where either:—

(*a*) the number of people employed to work in the premises does not regularly exceed five at any one time (whether or not both men and women are employed); or

(*b*) each of the regular employees normally works in the premises for only two hours daily or less.

(3) The Regulations require that in all other cases, separate sanitary accommodation must be provided for persons of each sex, if both are employed, and marked to show for which sex it is provided. The following numbers of conveniences are required by the Schedule to the Regulations:—

(i) For females, and for males except where urinals are provided as in scale (ii):

Nos. regularly employed at any one time†	No. of water closets or chemical closets to be provided
1 to 15	1
16 to 30	2
31 to 50	3
51 to 75	4
76 to 100	5
Over 100	5, plus one additional closet for every 25 persons in excess of 100. (A fraction of 25 counts as 25)

(ii) For males, where urinals equipped with means of flushing are provided in addition to water closets:

No. of males regularly employed at any one time†	No. of water closets to be provided	No. of urinal stalls to be provided‡
1 - 15	1	—
16 - 20	1	1
21 - 30	2	1
31 - 45	2	2
46 - 60	3	2
61 - 75	3	3
76 - 90	4	3
91 - 100	4	4
Over 100	4	4, plus one additional closet for every 25 persons (or fraction of 25) in excess of 100. Every fourth additional closet may be replaced by a urinal.

*The Regulations do not apply to office or shop premises in covered market places.

†Excluding persons who normally work in the premises for only two hours daily or less each.

‡Where stalls are not provided, two feet of space in a urinal counts as a stall for purposes of the scale.