

23/59

No. 32 of 1952.

**A LAW TO REGULATE THE EMPLOYMENT OF CHILDREN
AND YOUNG PERSONS AS DOMESTIC SERVANTS.**

A. B. WRIGHT,]

[24th November, 1952.

Governor.

BE it enacted by His Excellency the Governor and
Commander-in-Chief of the Colony of Cyprus as
follows :—

1. This Law may be cited as the Domestic Servants Short title.
(Employment of Children and Young Persons) Law, 1952.

Interpretation.

2. In this Law, unless the context otherwise requires—

“ child ” means a person under the age of fourteen years ;

“ Commissioner ” means the Commissioner of Labour and includes the Assistant Commissioner of Labour ;

“ domestic servant ” means any child or young person who is employed as a domestic servant in any household or in any capacity involving the duties usually performed by such a servant by whatever style such child or young person acting in such capacity may be called, whether such child or young person is or is not what is commonly known as a “ foster child ” of his employer and whether such child or young person is so employed with or without wages or remuneration, and includes further any child or young person who, though employed in other employment elsewhere than in a household, is also partly employed as a domestic servant in a household, but does not include any child or young person in so far as he is employed by his parents ;

“ employer ” includes every person having a domestic servant in his employment ;

“ Inspector ” means an officer or person appointed by the Governor to be an Inspector for all or any of the purposes of this Law ;

“ parent ” means a parent of, or any person having the legal custody of, a child or young person and includes—

(a) any person with whom a child or young person has been boarded out in such manner and under such conditions as may be approved by the Senior Welfare Officer ;

(b) a step-father or step-mother of a child or young person ;

(c) the mother of an illegitimate child or young person ; and

(d) in relation to a child or young person adopted in a manner recognized by law, any person who has adopted him ;

“ registered domestic servant ” means any domestic servant registered under the provisions of this Law ;

“ young person ” means—

(a) a male person who has attained the age of fourteen years and is under the age of sixteen years ;

(b) a female person who has attained the age of fourteen years and is under the age of eighteen years.

3.—(1) After the date of the commencement of this Law, no person shall take or have in his employment a domestic servant, unless and until such domestic servant, upon application made in that behalf to the Commissioner or to such other officer of the Labour Department as the Commissioner may nominate for this purpose (hereinafter in this Law called "the Officer") in the area in which the domestic servant is to be employed, shall have been registered in accordance with the provisions of this Law :

Employer to make application for the registration of domestic servants.

Provided that any domestic servant registered under the provisions of the Law hereby repealed shall be deemed to have been registered under the provisions of this Law.

(2) Every application under this section shall—

(a) be accompanied by a certificate of birth issued under section 26 of the Births and Deaths Registration Law or any other Law amending or substituted for the same, or by such other documentary evidence as in the opinion of the Commissioner or the Officer shall be sufficient to prove the birth ; and

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(b) be in such form and contain such particulars regarding the employer, the domestic servant to be employed, the terms and conditions of employment, and such other matters as may be prescribed.

4.—(1) Upon receipt of an application under section 3, the Commissioner or the Officer shall consider the same and may, before coming to a decision thereon, require the applicant or the domestic servant named in the application or both to attend personally before the Commissioner or the Officer and to answer such questions as the Commissioner or the Officer may think proper to ask relating to the particulars furnished by the applicant in his application.

Registration of domestic servants.

(2) Subject to the provisions of sub-section (3), if the Commissioner or the Officer, in his absolute discretion, approves the application and is satisfied that all the conditions of this Law and of any Regulations made thereunder are fulfilled, he shall register the domestic servant in a register kept for the purpose, to be called the " Register of Domestic Servants " and shall therein enter the particulars appearing in the application as finally approved by him. Every such entry in such register shall be signed by the Commissioner or the Officer and a copy thereof in duplicate shall be forwarded to the employer. The employer shall sign one of the copies and return it to the Commissioner or the Officer who, after filing the same, shall issue to the employer a certificate of registration in the prescribed form.

(3) The Commissioner or the Officer shall not register a domestic servant who is less than thirteen years of age unless immediately prior to the date of commencement of this Law the domestic servant, if a male, was employed as a domestic servant.

(4) There shall be implied by every such registration an obligation on the part of the employer to provide the registered domestic servant during the period the registration remains in force with adequate wages, sufficient food of a wholesome kind, suitable sleeping and living accommodation, reasonable care in case of illness and generally to treat him well.

Power to
Commissioner to
cancel
registration.

5.—(1) The Commissioner may, at any time, cancel the registration of any domestic servant if in his opinion the employer—

(a) has failed to observe and carry out the terms or conditions of employment appearing in the Register of Domestic Servants or any of the conditions or obligations contained in this Law or any Regulations made thereunder;

(b) has committed an offence under the provisions of this Law.

(2) Every cancellation of a registration under this section shall be notified in writing by the Commissioner to the employer as soon as possible after the making thereof.

Registration
of domestic
servants.

Employer
to notify
change of
address.

6. If an employer changes his residence he shall at least seven days before so doing give to the Commissioner or the Officer notice of the change :

Provided that where an immediate change of residence is necessitated by any emergency, a notice under this section may be given at any time within one week after the change of residence.

Employer
to notify de-
termination
of employ-
ment.

7. Any person who shall have in his employment a registered domestic servant shall, where the date of the determination of such employment is known to such a person or comes to his knowledge within sufficient time to enable him to do so, give notice thereof in writing to the Commissioner or the Officer and shall inform the parents of the domestic servant at least seven days prior to the date of such determination. In all other cases such person shall give notice in writing to the Commissioner or the Officer and shall inform the parents of the domestic servant as soon as the date of determination of such employment comes to his knowledge.

8. Where a domestic servant is engaged both as a domestic servant and in any other employment, he shall not be employed for more than forty-two hours in any one week or for more than seven and a half hours in any one day if under sixteen years of age, or for more than forty-eight hours in any one week or for more than eight and a half hours in any one day if sixteen years of age or upwards and under eighteen.

Employment both as domestic servant and in other employment.

9. A domestic servant shall not be employed to lift, carry or move anything so heavy as may be likely to cause injury to the domestic servant.

No domestic servant to be employed to lift, etc., heavy articles.

10. Where any domestic servant has been registered under section 4, the terms and conditions of employment appearing in the Register of Domestic Servants relating to such servant shall, as from the date of the issue of the certificate of registration, be legally binding on the employer, and the Commissioner, without prejudice to the powers conferred upon him by section 5, may on behalf of the registered domestic servant concerned take such legal proceedings as may be necessary from time to time for the purpose of enforcing any obligation of the employer thereunder, or for the recovery of damages from the employer in respect of any breach thereof.

Power to Commissioner to enforce terms and conditions of employment.

11. If an unregistered domestic servant is found in employment or if the registration of a registered domestic servant is cancelled or a notice of the determination of employment of a domestic servant is received by the Commissioner or the Officer under section 7, the Commissioner may forthwith notify the Senior Welfare Officer, who shall make such arrangements in respect of the charge and care of the domestic servant as he may think fit.

Arrangements as to the care of a domestic servant in certain cases.

12.—(1) The Commissioner or any Inspector may visit any premises, being premises owned or occupied by the employer of a registered domestic servant, in which such registered domestic servant resides or is employed and may inspect any such premises and may inquire into the condition of any such servant and his wages, food and living conditions generally.

Power to Commissioner or Inspector to visit premises.

(2) For the purposes of this section the Commissioner or Inspector may require the employer or any adult member of his household to answer any such questions as he may think proper to ask.

13. Any parent of a domestic servant shall on demand give to the Commissioner or an Inspector all information in his possession regarding the age and conditions of employment of such domestic servant.

Duty of parent to furnish information.

Admissibility
in evidence
of register,
etc.

14. In any proceedings whatsoever under this Law or any Regulations made thereunder, the following shall be admissible in evidence on production :—

- (a) any register or any part of any register which purports to have been kept under this Law or any Regulations made thereunder ;
- (b) any extract from any such register which purports to have been certified as correct by the Commissioner.

Power of
Commis-
sioner
to apply to
the Court
for warrant.

15. A member of a District Court may, upon application by the Commissioner or an Inspector, if satisfied on sworn information that there is reasonable ground for believing that a domestic servant is employed in any premises within the jurisdiction of the Court without having been registered in accordance with the provisions of this Law, issue a warrant authorizing the Commissioner or such Inspector to enter the premises for the purpose of ascertaining whether any such offence as aforesaid has been committed.

Offences and
penalties.

16.—(1) Any person who—

- (a) takes or has in his employment an unregistered domestic servant ;
- (b) allows a domestic servant to be employed in contravention of the provisions of section 8 or 9 ;
- (c) fails to give a change of his address in contravention of section 6 or a determination of the employment in contravention of section 7,

shall be guilty of an offence and shall be liable to imprisonment not exceeding one month or to a fine not exceeding twenty-five pounds or to both such imprisonment and fine.

(2) Any parent of a domestic servant who fails to observe or acts in contravention of section 13, or wilfully gives any false information under section 13, or allows such domestic servant to be employed in contravention of the provisions of this Law shall be guilty of an offence and shall be liable to a fine not exceeding twenty-five pounds.

(3) Any person who obstructs or hinders or attempts to obstruct or hinder the Commissioner or an Inspector in exercise of their powers under section 12 or who refuses to answer any question put to him under that section or knowingly answers any such question untruly shall be guilty of an offence and shall be liable to imprisonment not exceeding three months or to a fine not exceeding twenty-five pounds or to both such imprisonment and fine,

17. The Governor in Council may make regulations generally for the purpose of carrying into effect the provisions of this Law, and, in particular, but without prejudice to the generality of the foregoing power, may make regulations—

Power of Governor in Council to make regulations.

- (a) prescribing the form of application for the registration of domestic servants ;
- (b) prescribing the particulars to be contained in the application for registration regarding the employer, the domestic servant employed or to be employed, the terms and conditions of the employment and such other terms and conditions in respect of any other matter relating to the employment of the domestic servant, as may be necessary ;
- (c) prescribing the form of the Register of the Domestic Servants and of the certificate of registration ;
- (d) prescribing the manner in which the Senior Welfare Officer shall take charge of a domestic servant in certain circumstances.

18. No proceedings for any offence under this Law shall be instituted except by the Commissioner or with his previous sanction in writing.

Restriction on right to prosecute.

19. The Employment of Female Domestic Servants Law is hereby repealed and the second item of the Schedule to the Compounding of Offences Law is hereby deleted :

Repeal. Cap. 212. Cap. 10.

Provided that any Register of Female Domestic Servants and any certificate of registration kept or issued under the provisions of the Law hereby repealed shall be deemed to be a Register or a certificate kept or issued under the provisions of this Law and any such Register shall be delivered by any officer in whose possession or control such Register is to the Commissioner together with all applications and documents relating to registration of female domestic servants.

20. This Law shall come into operation on a date to be fixed by the Governor by notification published in the *Gazette*.

Commencement.

24th November, 1952.

J. F. SYMONS,
Acting Colonial Secretary.