STATUTORY INSTRUMENTS

1964 No. 634

FACTORIES

The Abstract of Factories Act (Building Operations at Mines and Quarries) Order 1964

Made - - - - 28*th April* 1964
Coming into Operation 11*th May* 1964

The Minister of Labour by virtue of the powers conferred on him by sections 138(1) and 180(3) of the Factories Act 1961(a) and of all other powers enabling him in that behalf, hereby makes the following Order :—

1.—(1) This Order may be cited as the Abstract of Factories Act (Building Operations at Mines and Quarries) Order 1964 and shall come into operation on 11th May 1964.

(2) The Order prescribing an abstract of the Factories Acts 1937 and 1948(b) in the case of building operations carried on at quarries and above ground at mines made by the Minister of Labour on 30th June 1960 is hereby revoked.

2.—(1) The Interpretation Act 1889(c) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Order hereby revoked were Acts of Parliament.

(2) In this Order the expressions " mines " and " quarries " have the same meanings as they have in the Mines and Quarries Act 1954(d).

3. The Abstract of Factories Act (Construction) Order 1962(e) shall have effect as if in Article 3 thereof, after the words " building operations " in the fifth line, there were inserted the words " (not being building operations carried on at a quarry as defined in the Mines and Quarries Act 1954 or above ground at a mine as therein defined) ".

4. The abstract of the Factories Act 1961 required by section 138(1) of that Act (as that subsection is applied by section 127 of that Act to building operations) to be kept posted at the principal entrances of a factory at which employed persons enter shall, in the case of quarries where building operations are carried on and parts of mines above ground where such operations are carried on, be in the form set out in the Schedule to this Order.

Dated 28th April 1964.

Joseph Godber,
Minister of Labour.

(a) 9 & 10 Eliz. 2. c. 34. (b) 1 Edw. 8 & 1 Geo. 6. c. 67; 11 & 12 Geo. 6. c. 55.
(c) 52 & 53 Vict. c. 63. (d) 2 & 3 Eliz. 2. c. 70. (e) S.I. 1962/2706 (1962 III, p. 3663).

SCHEDULE

Article 4

Form 3A

Abstract of the Factories Act 1961 prescribed by the Minister of Labour by virtue of section 138(1) (as applied by section 127) of that Act in the case of quarries where building operations are carried on and parts of mines above ground where such operations are carried on.

General

1. Notice of particular operations: An employer (whether a contractor or sub-contractor or an industrial or commercial concern carrying out building operations for the purpose of its undertaking) must, not later than 7 days after he begins any building operations to which the Act applies, send in writing to the District Inspector certain particulars unless (*a*) they are operations which the person undertaking them has reasonable grounds for believing will be completed in less than six weeks or (*b*) notice has already been given to the Inspector in respect of building operations already in progress at the same place. The particulars (which may be furnished on Form 10) are—name and address of the employer; whether contractor or sub-contractor; place and nature of the operations; whether mechanical power is used and if so, its nature; and the name of the District Council within whose district the operations are situated. (Section 127(6) and (7).)

2. General Register: Every person undertaking building operations to which the Act applies must keep a General Register in the prescribed form (Form 36).

The Register must be kept at the site of the operations or at an office of the person undertaking the operations. (Sections 127(5) and 140.)

3. Special Regulations and Welfare Regulations made for particular industries, processes, plant, etc., must be observed. Printed copies or prescribed abstracts of all such regulations which apply must be kept posted at the site of the operations or at each office, yard, or shop of the employers at which persons employed on the operations attend. (Sections 127(5) and 139.)

Safety

4. Steam Boilers and Air Receivers must be of sound construction, and must be properly maintained; they must be thoroughly examined by a competent person, at intervals of 14 months and 26 months respectively (in some cases a longer period is allowed) and the reports of such examinations must be attached to the General Register. (Sections 32-34, 36-38.)

5. Notification of accidents, dangerous occurrences: Accidents causing loss of life or disabling a worker for more than 3 days from earning full wages at the work at which he was employed must be reported (on Form 43B) forthwith to the District Inspector and entered in the General Register. (Sections 80 and 140.) Certain dangerous occurrences must also be reported whether disablement is caused or not, e.g., the bursting of a revolving vessel, wheel or grindstone moved by mechanical power; the collapse or failure of a crane, hoist or other lifting appliance or any part thereof (except the breakage of chain or rope slings), or the overturning of a crane; and explosions or fires in certain circumstances.

Health

6. Sanitary accommodation: Sufficient and suitable sanitary conveniences must be available for the persons employed. The conveniences must be maintained and kept clean and effective provision must be made for lighting them. (Section 7.)

7. Lead Processes and the use of Lead Paint in connection with buildings: Everyone who employs persons in painting buildings must notify H.M. Inspector for the District and keep a register of such persons (Form 92), except where their ordinary occupation does not include the painting of buildings. The Lead

Paint Regulations 1927 must be observed, and a copy thereof must be posted in the workshop and paint store, and, on all jobs on which more than twelve persons are employed in painting operations, in any apartment in which paints are mixed.

No woman, or young person under the age of 18, may be employed in painting any part of a building with lead paint; but this prohibition does not apply to:—

(*a*) a male young person duly apprenticed to the painting trade if his name, etc., are entered in a separate list attached to the Register (Form 92);

(*b*) a woman or young person employed in the execution of wall or ceiling paintings or any similar work of decorative design. (Sections 128-132.)

8. Notification of industrial poisoning or disease: Cases of lead poisoning and compressed air illness and certain other industrial poisoning or diseases must be reported immediately to the Appointed Factory Doctor and to the District Inspector and entered in the General Register. (Sections 80, 81, 82, 140 and Regulations.)

9. Certificate of Fitness: No young person under the age of 18 years may remain in employment in building operations after a period of 14 days unless he has been medically examined by the Appointed Factory Doctor and given a certificate for that employment. Such a certificate must be renewed every 12 months or earlier if the Doctor so directs. A group certificate may be issued covering employment on any site with any employer. (Section 118.)

Miscellaneous

10. Prohibition of deductions from wages: The occupier must not make a deduction from wages in respect of anything he has to do or provide in pursuance of the Act, or permit any person in his employment to receive payment from other employees for such services. (Section 136.)

11. Duties of Persons employed: A person employed must not wilfully interfere with or misuse any means, appliance, convenience or other thing provided in pursuance of the Act for securing health, safety or welfare and he must use any means or appliance for securing health or safety provided for his use under the Act. He must not wilfully and without reasonable cause do anything likely to endanger himself or others. (Section 143.)

12. Inspection: H.M. Inspectors have power to inspect every part of the premises by day or by night. They may require the production of registers, certificates, and other papers. They may examine any person found on the premises, either alone or in the presence of any other person as they think fit, and may require him to sign a declaration of the truth of the matters about which he is examined. They may also exercise such other powers as may be necessary for carrying the Act into effect. Every person obstructing an Inspector is liable to a penalty. (Section 146.)

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order prescribes the abstract of the Factories Act 1961 required by section 138(1) of that Act to be kept posted at the principal entrances of a factory at which employed persons enter, in the case of quarries where building operations are carried on and parts of mines above ground where such operations are carried on.

This Order revokes the Order of the Minister of Labour dated 30th June 1960 which prescribed an abstract of the Factories Acts 1937 and 1948 for posting in such places.