1968 No. 354

FACTORIES

The Abstract of Factories Act (Docks, etc.) Order 1968

Made - - - 11*th March* 1968

Coming into Operation 25*th March* 1968

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 (Docks, etc.) Order 1968 and shall come into operation on 25th March 1968.

(2) The Abstract of Factories Act (Docks, etc.) Order 1963(b) is hereby revoked.

2. 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.

3. 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 shall, in the case of premises to which provisions of that Act apply by virtue of section 125 thereof (docks, etc.), be in the form set out in the Schedule to this Order.

Signed by order of the Minister of Labour.

11th March 1968.

P. H. St. J. Wilson,
Deputy Secretary,
Ministry of Labour.

Article 3
F 2

SCHEDULE

Abstract of the Factories Act 1961 prescribed by the Minister of Labour by virtue of section 138(1) of that Act for Docks, Wharves, Quays and certain Warehouses.

Certain provisions of the Factories Act 1961 including those mentioned below, apply by virtue of section 125 of that Act (A) to every dock, wharf or quay (including any warehouse belonging to the owners, trustees or conservators of the dock, wharf or quay and any line or siding used in connection with and for the purposes of the dock, wharf or quay and not forming part of a railway or tramway*) ; (B) to every other warehouse (not forming part of a factory) in or for the purposes of which mechanical power is used ; (C) to the processes of loading, unloading or coaling of any ship in any dock, harbour or canal and to all machinery or plant (including gangways or ladders) used in those processes. Certain additional (General Safety) provisions apply to every warehouse by virtue of section 125 sub-section (6) as if it were a factory. The provisions of Part II of the Act with respect to steam boilers apply except as regards liability (see para. 31 below).

(a) 1961 c. 34. (b) 1963/525 (1963 I, p. 586). (c) 1889 c. 63.

SAFETY

Docks, Wharves, Quays, Warehouses; Loading, Unloading and Coaling of Ships

1. STEAM BOILERS.—Every part of every steam boiler must be of good construction, sound material, adequate strength and free from patent defect. Detailed requirements are laid down as to the valves and other fittings.

Steam boilers and their fittings must be properly maintained and (unless the Minister provides otherwise in an exemption order) must be thoroughly examined by a competent person at least once in every 14 months and after extensive repairs†. A report of each examination must be attached to the General Register. New boilers must be certified and all boilers must be examined before being taken into use. (Sections 32 to 35, 37 and 38 and Sixth Schedule, para. (3).)

2. NOTIFICATION OF ACCIDENTS AND DANGEROUS OCCURRENCES.—Accidents causing loss of life or disabling a worker for more than three days from earning full wages at the work at which he was employed must be reported on form F43 forthwith to the District Inspector and entered in the General Register. 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 breaking of chain or rope slings), or the overturning of a crane; and explosions or fires in certain circumstances. (Sections 80, 81 and 140, and regulations.)

3. DANGEROUS CONDITIONS AND PRACTICES.—A magistrate's court or sheriff may by order prohibit work or require remedial action to be taken if satisfied that dangerous conditions or practices exist. (Sections 54 and 55.)

Warehouses—(Additional Provisions)

4. FENCING.—Every part of the transmission machinery and every dangerous part of other machinery, and all parts of electric generators, motors, rotary converters, and flywheels directly connected to them, must be securely fenced unless in such a position or of such construction as to be as safe to every person employed or working on the premises as if securely fenced. A male person over 18 may, however, approach unfenced machinery in motion in certain strictly limited contingencies and subject to conditions specified in regulations. (Sections 12 to 15.)

5. Moving parts of other prime movers, and flywheels directly connected to them must be securely fenced irrespective of their position. (Section 12.)

6. All fencing must be of substantial construction and maintained in an efficient state. (Section 16.)

7. FURTHER REQUIREMENTS IN CONNECTION WITH TRANSMISSION MACHINERY.—Devices or appliances for promptly cutting off the power from the transmission machinery must be provided in every room or place where work is carried on. Efficient mechanical appliances must be provided to move driving belts to and from fast and loose pulleys. Driving belts must not rest or ride on revolving shafts when the belt is not in use. (Section 13.)

8. NEW MACHINES.—New power-driven machines must not be sold, let on hire, or used unless certain parts are effectively guarded. (Section 17.)

9. CLEANING MACHINERY.—A woman or young person must not clean (a) a prime mover or transmission machinery while it is in motion or (b) any part of any machine if there is risk of injury from any moving part of that machine or of any adjacent machinery. (Section 20.)

10. TRAINING OF YOUNG PERSONS.—A young person must not work at any machine specified by the Minister to be dangerous unless (i) he has been fully instructed as to the dangers and precautions and (ii) he has received sufficient training in the work or is under adequate supervision by an experienced person. (Section 21.)

11. HOISTS AND LIFTS.—Every hoist or lift must be of good mechanical construction, sound material and adequate strength and must be properly maintained. It must be thoroughly examined every six months by a competent person whose report must be entered in or attached to the General Register.

Every hoistway must be efficiently protected by a substantial enclosure and landing gates, with efficient interlocking or other devices. The safe working load must be marked conspicuously on each hoist. Additional safeguards (e.g. devices to prevent overrunning) must be provided on hoists used for carrying persons, whether with goods or otherwise. The requirements are somewhat less stringent in the case of hoists constructed before the 30th July 1937, hoists not connected with mechanical power, and continuous hoists. (Sections 22, 23 and 25.)

12. CHAINS, ROPES AND LIFTING TACKLE.—No chain, rope or lifting tackle used for raising or lowering persons or goods may be used unless it is of good construction, sound material and adequate strength and free from patent defect. Tables of safe working loads must be posted in the stores and elsewhere, but need not cover any lifting tackle the safe working load of which is marked on the tackle itself. No tackle shall be used for any load exceeding its stated safe working load. Chains, ropes and lifting tackle in use must be thoroughly examined by a competent person every six months, and must not (excepting fibre ropes and fibre rope slings) be taken into use for the first time in the warehouse unless they have been tested and certified.

Periodic annealing is required except in the case of ropes and rope slings and other tackle exempted by HM Chief Inspector.

A register of all chains, etc. and also the certificates of tests, must be kept. (Section 26.)

13. CRANES, ETC.—All parts and working gear (including anchoring appliances) of cranes and other lifting machines must be of good construction, sound material, adequate strength and free from patent defect and must be properly maintained. A thorough examination of all such parts and gear by a competent person must be made every 14 months. A lifting machine must not be taken into use for the first time unless it has been tested and certified. A register of examinations and tests must be kept. The safe working load or loads must be shown on every lifting machine; in the case of cranes with a derricking jib an automatic indicator or a table of safe working loads must be attached to the crane. No lifting machine shall be loaded above its stated safe working load.

Rails and tracks of travelling cranes and transporters must be of proper size and construction. If any person is working near the wheel-track of an overhead travelling crane steps must be taken to ensure that the crane does not approach within 20 feet.

Effective measures should also be taken to give warning of the approach of such a crane to anyone working above floor level and liable to be struck by it or by its load. (Section 27.)

14. CONSTRUCTION OF FLOORS, ETC..—Floors, steps, stairs, passages and gangways, must be soundly constructed, properly maintained and so far as is reasonably practicable, kept free from obstruction and any substance likely to cause persons to slip. Handrails must be provided for stairs. All ladders must be soundly constructed and properly maintained. Openings in floors should, wherever practicable, be securely fenced. (Section 28.)

HEALTH

15. LEAD PROCESSES.—A woman or young person must not be employed in certain lead processes or in cleaning workrooms where any of the processes are carried on. (Section 74.)

Where women or young persons are employed in any other process which involves the use of a lead compound producing dust or fume, or if they are liable to be splashed with any lead compound, (a) the dust or fume produced must be drawn away by an efficient exhaust draught; (b) they must undergo medical examination as prescribed and may be suspended from further employment in lead processes; (c) no food, drink, or tobacco may be brought into the workroom; (d) protective clothing must be provided by the occupier and worn; (e) suitable cloakroom, mess-room and washing accommodation must be provided as prescribed; and (f) all tools and apparatus must be kept clean. (Section 75.)

16. NOTIFICATION OF INDUSTRIAL POISONING OR DISEASE.—Cases of poisoning by beryllium, cadmium, lead, phosphorus, arsenic, mercury, carbon bisulphide, manganese, or aniline; chronic poisoning by benzene; compressed air illness; anthrax; toxic jaundice due to tetrachloroethane or nitro- or amido-derivatives of benzene or other poisonous substance; toxic anaemia; epitheliomatous ulceration, and chrome ulceration, must be reported on form F41 to the District Inspector and to the Appointed Factory Doctor and entered in the General Register. (Sections 82 and 140 and regulations.)

EMPLOYMENT OF YOUNG PERSONS

Hours and Holidays (*Section* 116)

17. The provisions set out in paragraphs 18-27 apply to young persons employed—

(1) in collecting, carrying or delivering goods, carrying messages or running errands, in connection with any business carried on at a dock, wharf or quay or any warehouse (except a warehouse which forms part of a factory or to which the Shops Act 1950, applies), if employed by a person having the use or occupation of the dock, wharf, quay or warehouse or of premises within it or forming part of it;

(2) in or in connection with any process (except certain specified processes‡ in a ship in harbour or wet dock) carried on at any dock, wharf, quay or warehouse, and by a person having such use or occupation;

(3) in or in connection with the processes of loading, unloading or coaling of any ship in any dock, harbour or canal.

18. WEEKLY HOURS.—The total hours worked by such a young person in any week (exclusive of intervals for meals and rest) must not exceed 48 (apart from overtime—see below). The total weekly hours worked by a young person under 16 must not exceed 44.

19. INTERVALS FOR MEALS AND REST.—The young person must not be employed for more than 5 hours without an interval of at least half-an-hour. Where the hours of employment include the hours from 11.30 a.m. to 2.30 p.m. an interval of not less than 45 minutes must be allowed between these hours.

20. PROHIBITION OF NIGHT EMPLOYMENT.—An interval of at least 11 consecutive hours, including 10 p.m. to 6 a.m., must be allowed between midday on one day and midday on the next day.

21. SHORT DAY.—On at least one weekday in each week, to be notified in the prescribed form and manner (F15) the young person must not be employed after 1 p.m.

22. SUNDAY EMPLOYMENT is prohibited (subject to a special exception where both employer and the employee observe the Jewish sabbath).

23. OVERTIME (work in excess of 48 hours in a week) may be worked by young persons **aged 16 or over** on occasions of seasonal or other special pressure or in cases of emergency. The overtime worked by any young person must not exceed **6 hours** in any week, or **50 hours** in any calendar year; and when the employer has employed overtime any young persons to whom these provisions apply in **12 weeks** (whether consecutive or not) in any calendar year, neither he nor any person succeeding to his business may employ any such young persons (whether the same young persons or not) overtime during the remainder of that year.

24. HOLIDAYS.—Young persons must be allowed as holidays in each year (1) in **England and Wales,** Christmas Day, Good Friday and every bank holiday unless the occupier not less than three weeks before any one of those days gives notice substituting another weekday; (2) in **Scotland,** six weekdays specified in a notice given not less than three weeks before the holiday (in Burghs two of these days, not less than three months apart, are to be fixed by the Town Council). At least half of the holidays must be allowed between 15th March and 1st October.

25. OTHER EMPLOYMENT UNDER THE SAME EMPLOYER.—In reckoning the above hours of employment, and also for the purpose of allowing the intervals, any other employment of the young person by the same employer must be taken into account.

26. RECORDS.—The employer must keep in the prescribed form and manner a record (F38) of the prescribed particulars as to each young person including particulars of the hours worked and the intervals allowed for meals and rest.

27. ALTERNATIVE HOURS.—The employer may on giving notice in form F16 to the District Inspector, adopt, instead of the above provisions, the provisions of the Act regulating the hours of employment of young persons in ordinary factories.

28. Where application is made to the Minister he may, if he is satisfied that it is desirable to do so in the public interest to maintain or increase the efficiency of industry or transport, and after undertaking the consultations provided for exempt the employment of young persons aged 16 and over from any of the provisions summarised in paragraphs 17-27 above. (Section 117.)

Certificate of Fitness

29. No young person under 18 years of age may remain in any of the following employments after a period of 14 days unless he had been medically examined by the Appointed Factory Doctor and given a certificate of fitness for it:

(1) employment in harbour or wet dock in constructing, reconstructing, repairing, refitting, painting, finishing or breaking-up a ship; scaling,

scurfing or cleaning boilers (including combustion chambers and smoke boxes) in a ship; cleaning, in a ship, bilges or oil-fuel tanks or any tank last used for oil of any description carried as cargo;

(2) employment in or in connection with the processes of loading, unloading or coaling any ship in any dock, harbour or canal.

For the purpose of reckoning the period of 14 days, a young person shall be treated as remaining in the same employment if he continues to be employed by the same employer in employment within the same group, either (1) or (2) above. The certificate must be renewed every 12 months or earlier if the doctor so directs and details of the certificate entered in the General Register. (Sections 125 and 126 and Order.)

MISCELLANEOUS

30. GENERAL REGISTER.—The person having the actual use or occupation of the premises must keep a General Register in the prescribed form (F35). (Section 140.)

31. LIABILITY.—Any person having the actual use of a dock, wharf or quay, or of any warehouse having mechanical power, is regarded for the purposes of the Act as the occupier of a factory and responsible for any contravention of the provisions of the Act relating to docks, wharves, quays and warehouses, except in respect of steam boilers when the owner of the steam boiler is responsible. (Section 125.)

32. EXCEPTIONS.—The safety provisions of Part II of the Act do not apply to any steam boiler which is on board a ship and is the property of the ship owner.

The power of a magistrate's court or sheriff to make orders as to dangerous conditions and practices do not apply in respect of any plant or machinery which is on board a ship and is the property of the ship owner.

The provisions of Part VI of the Act, relating to the medical examination of young persons and the provisions of Part XI of the Act with regard to appointed factory doctors, do not apply to a member of the crew of a ship. (Section 125.)

33. SPECIAL REGULATIONS AND WELFARE REGULATIONS made for particular industries, processes, plant, etc. must be observed, and printed copies of prescribed abstracts of all such regulations which apply must be kept posted on the premises. (Section 139.)

34. 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.)

35. 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.)

36. INSPECTION.—HM 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. (Sections 146 and 147.)

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* "Railway" means any railway used for the purposes of public traffic whether passenger, goods, or other traffic and includes any works of the railway companies connected with the railway. "Tramway" means a tramway authorised by or under any Act of Parliament and used for the purpose of public traffic.

† When section 33 (2) and (3) is brought into operation, the present requirements regarding examinations will be superseded by regulations.

‡ The excepted processes (hours of employment which are governed by different provisions under section 126 of the 1961 Act) are constructing, reconstructing, repairing, refitting, painting, finishing or breaking up a ship; scaling, scurfing or cleaning boilers (including combustion chambers and smoke boxes) in a ship; cleaning, in a ship, bilges or oil-fuel tanks or any tank last used for oil of any description carried as cargo.

EXPLANATORY NOTE

(This Note is not part of the Order.)

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, for use in the case of any dock, wharf, quay, warehouse, line or siding to which section 125 of that Act applies.

The abstract prescribed by this Order is in substitution for that prescribed by the Abstract of Factories Act (Docks, etc.) Order 1963 which is revoked.