STATUTORY INSTRUMENTS

2009 No. 605

HEALTH AND SAFETY

The Factories Act 1961 and Offices, Shops and Railway Premises Act 1963 (Repeals and Modifications) Regulations 2009

Made - - - -	*10th March 2009*
Laid before Parliament	*16th March 2009*
Coming into force - -	*6th April 2009*

The Secretary of State makes these regulations in exercise of the powers conferred by section 15(1) and (3)(a) of the Health and Safety at Work etc. Act 1974(**a**).

These Regulations give effect without modification to proposals submitted to the Secretary of State by the Health and Safety Executive under section 11(3) of that Act (after carrying out the consultation required by section 50(3) of that Act).

Citation and commencement

1. These Regulations may be cited as the Factories Act 1961 and Offices, Shops and Railway Premises Act 1963 (Repeals and Modifications) Regulations 2009 and shall come into force on 6th April 2009 (referred to in these Regulations as the "commencement date").

Repeal of certain notification requirements

2. —(1) Section 137 (notice of occupation of factory and use of mechanical power) of the Factories Act 1961(**b**) (in these Regulations referred to as "the 1961 Act") and section 49 (notification of fact of employment of certain persons) of the Offices, Shops and Railway Premises Act 1963(**c**) are repealed.

(2) The Notification of Employment of Persons Order 1964(**d**) (which relates to notices required by section 49 of the Offices, Shops and Railway Premises Act 1963) is revoked.

Abolition of requirement to keep general registers

3.—(1) Section 140 (duties to keep and to make entries in general registers and to provide extracts on request) of the 1961 Act is repealed.

(**a**) 1974 c.37, as amended by the Legislative Reform (Health and Safety Executive) Order 2008 (S.I. 2008/960). Sections 15(1) and 50(3) were amended by the Employment Protection Act 1975 (c.71), Schedule 15, paragraphs 6 and 16 respectively.
(**b**) 1961 c.34.
(**c**) 1963 c.41.
(**d**) S.I. 1964/533.

(2) In section 141 (preservation of registers and records) of the 1961 Act for "The general register and every other register" substitute "Any register".

(3) The repeal by this regulation of section 140 of the 1961 Act does not affect subsection (3) of that section in its application to a register required to be kept under the Employment of Women, Young Persons and Children Act 1920(**a**).

(4) The references to a register in section 141 of the 1961 Act as amended by paragraph (2) do not include a reference to a general register previously required by that section to be kept and preserved unless it contains a record that was entered in or attached to the register in pursuance of section 39(2) (record of gasholder examinations) of that Act within the period of two years ending with the commencement date.

(5) In the case of a general register containing such a record, section 141 of the 1961 Act is to be read as requiring the record to be preserved and kept available for inspection for at least two years after the date of the last record entered in or attached to the register.

Amendment, repeals and revocation consequential on regulation 3

4.—(1) In section 39(2) (record of gasholder examinations) of the 1961 Act for "entered in or attached to the general register" substitute "kept available for inspection.".

(2) The following provisions of the 1961 Act are repealed-

(a) section 122(7)(meaning of "general register" in relation to the application of the Act to parts of buildings let as separate factories);

(b) in sections 125(2)(j), 126(2)(j) and 127(2)(j) (application of provisions relating to general registers to things other than factories), the words "general registers (so far as applicable)";

(c) in section 127(5) the word "general"; and

(d) in section 176(1) (interpretation), the definition of "general register".

(3) The Factories Act General Register Order 1973(**b**) (which relates to general registers kept under the 1961 Act) is revoked.

Jonathan Shaw
Parliamentary Under Secretary of State
Department for Work and Pensions

10th March 2009

(**a**) 1920 c.65.
(**b**) S.I. 1973/8.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Factories Act 1961 and the Offices, Shops and Railway Premises Act 1963. The principal purpose of these Regulations is to remove the requirement for notification of occupation of a factory and employment of persons working in offices, shops and railway premises under the respective Acts. It also removes the requirement to keep a general register under the 1961 Act.

A final impact assessment of the affect that this instrument will have on the costs of business and the voluntary sector is available from the Health and Safety Executive's website (http://www.hse.gov.uk/ria/) and the Better Regulation Executive's Impact Assessment library (http://www.ialibrary.berr.gov.uk/).

© Crown copyright 2009

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

2009 No. 605

HEALTH AND SAFETY

The Factories Act 1961 and Offices, Shops and Railway Premises Act 1963 (Repeals and Modifications) Regulations 2009

£4.00

E3957 3/2009 193957T 19585