1964 No. 762

FACTORIES

The Factories Act 1961 (Extension of Section 40) Regulations 1964

Made - - - -	*26th May* 1964
Laid before Parliament	*2nd June* 1964
Coming into Operation	*1st August* 1964

The Minister of Labour by virtue of the powers conferred on him by section 45 of the Factories Act 1961(a) (hereafter in these Regulations referred to as "the Act of 1961") and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

1. These Regulations may be cited as the Factories Act 1961 (Extension of Section 40) Regulations 1964 and shall come into operation on 1st August 1964.

2.—(1) The Interpretation Act 1889(b) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(2) In these Regulations the expression "premises to which the Act of 1963 applies" means office, shop and railway premises to which the Offices, Shops and Railway Premises Act 1963(c) applies.

3. Section 40 of the Act of 1961 shall (in addition to the factories to which it applies) also apply to any factory in relation to which the following circumstances exist for the time being, namely—

(*a*) the factory or any part of the factory is comprised in a building in which is also comprised any one or more of the following, that is to say, any other factory, any part of any other factory and any premises to which the Act of 1963 applies; and either

(*b*) an aggregate of more than 20 persons at any one time is, in the building in which the factory or part of the factory (as the case may be) is situate, employed in any factory, any part of a factory and in any premises to which the Act of 1963 applies; or

(*c*) an aggregate of more than 10 persons at any one time is, in the building in which the factory or part of the factory (as the case may be) is situate, employed—

(i) where the factory was being constructed or converted for use as a factory on 30th July 1937 or was constructed or so converted after that date, on any floor above the ground floor of the building; or

(a) 9 & 10 Eliz. 2. c. 34. (b) 52 & 53 Vict. c. 63. (c) 1963 c. 41.

(ii) where the construction of the factory was completed before the said date, above the first floor of the building or more than 20 feet above the ground level,

in any factory, any part of a factory and in any premises to which the Act of 1963 applies.

Signed by order of the Minister of Labour, 26th May 1964.

W. S. I. Whitelaw,
Parliamentary Secretary,
Ministry of Labour.

EXPLANATORY NOTE

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

Subject to the provisions of that section, section 40 of the Factories Act 1961 provides that no premises shall be used as a factory to which that section applies unless there is in force with respect to the premises a certificate of the fire authority that the premises are provided with means of escape in case of fire. Section 45 of the Act of 1961 specifies the factories to which the said section 40 applies and empowers the Minister of Labour to provide by Regulations that the said section 40 shall also apply to any class or description of factory specified in the Regulations.

These Regulations, made by virtue of that power, apply section 40 of the Act of 1961 to any factory comprised in, or part of which is comprised in, a building in which is also comprised any other factory (or part of a factory) or any office, shop and railway premises to which the Offices, Shops and Railway Premises Act 1963 applies and in which the aggregate of the number of persons employed at any one time in the building (or in certain upper parts of the building) in the factory and other premises as aforesaid exceeds the numbers specified in the Regulations.