Table of Statutes referred to in this Act

Short Title	Session and Chapter
Lands Clauses Consolidation Act, 1845 ...	8 & 9 Vict. c. 18.
Local Loans Act, 1875	38 & 39 Vict. c. 83.
Interpretation Act, 1889...	52 & 53 Vict. c. 63.
Light Railways Act, 1896	59 & 60 Vict. c. 48.
Development and Road Improvement Funds Act, 1909.	9 Edw. 7. c. 47.
Acquisition of Land (Assessment of Compensation) Act, 1919.	9 & 10 Geo. 5. c. 57.
Settled Land Act, 1925	15 & 16 Geo. 5. c. 18.
Law of Property Act, 1925	15 & 16 Geo. 5. c. 20.
Local Government Act, 1933	23 & 24 Geo. 5. c. 51.
War Damage Act, 1943	6 & 7 Geo. 6. c. 21.
Requisitioned Land and War Works Act, 1945	8 & 9 Geo. 6. c. 43.
Acquisition of Land (Authorisation Procedure) Act, 1946.	9 & 10 Geo. 6. c. 49.
New Towns Act, 1946	9 & 10 Geo. 6. c. 68.
Town and Country Planning Act, 1947 ...	10 & 11 Geo. 6. c. 51.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.
Lands Tribunal Act, 1949	12, 13 & 14 Geo. 6. c. 42.
Town Development Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 54.
Landlord and Tenant Act, 1954	2 & 3 Eliz. 2. c. 56.
Town and Country Planning Act, 1954 ...	2 & 3 Eliz. 2. c. 72.
Housing Act, 1957	5 & 6 Eliz. 2. c. 56.
Land Powers (Defence) Act, 1958	6 & 7 Eliz. 2. c. 30.
Tribunals and Inquiries Act, 1958	6 & 7 Eliz. 2. c. 66.
Highways Act, 1959	7 & 8 Eliz. 2. c. 25.
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CHAPTER 34

Factories Act, 1961

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An Act to consolidate the Factories Acts, 1937 to 1959, and certain other enactments relating to the safety, health and welfare of employed persons.

[22nd June, 1961]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

HEALTH (GENERAL PROVISIONS)

Cleanliness.

1.—(1) Every factory shall be kept in a clean state and free from effluvia arising from any drain, sanitary convenience or nuisance.

(2) Without prejudice to the generality of subsection (1) of this section,—

(*a*) accumulations of dirt and refuse shall be removed daily by a suitable method from the floors and benches of workrooms, and from the staircases and passages;

(*b*) the floor of every workroom shall be cleaned at least once every week by washing or, if it is effective and suitable, by sweeping or other method.

(3) Without prejudice to the generality of subsection (1) of this section but subject to subsection (4) thereof, the following provisions shall apply as respects all inside walls and partitions and all ceilings or tops of rooms, and all walls, sides and tops of passages and staircases, that is to say,—

(*a*) where they have a smooth impervious surface, they shall at least once in every period of fourteen months

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be washed with hot water and soap or other suitable detergent or cleaned by such other method as may be approved by the inspector for the district;

(*b*) where they are kept painted in a prescribed manner or varnished, they shall be repainted in a prescribed manner or revarnished at such intervals of not more than seven years as may be prescribed, and shall at least once in every period of fourteen months be washed with hot water and soap or other suitable detergent or cleaned by such other method as may be approved by the inspector for the district;

(*c*) in any other case they shall be kept whitewashed or colourwashed and the whitewashing or colourwashing shall be repeated at least once in every period of fourteen months.

(4) Except in a case where the inspector for the district otherwise requires, the provisions of subsection (3) of this section shall not apply to any factory where mechanical power is not used and less than ten persons are employed.

(5) Where it appears to the Minister that in any class or description of factory or parts thereof any of the foregoing provisions of this section are not required for the purpose of keeping the factory in a clean state, or are by reason of special circumstances inappropriate or inadequate for that purpose, he may, if he thinks fit, by order direct that those provisions shall not apply to factories, or parts of factories, of that class or description, or shall apply as varied by the order.

Overcrowding.

2.—(1) A factory shall not, while work is carried on, be so overcrowded as to cause risk of injury to the health of the persons employed in it.

(2) Without prejudice to the generality of subsection (1) of this section but subject to subsection (3) thereof, the number of persons employed at a time in any workroom shall not be such that the amount of cubic space allowed for each is less than four hundred cubic feet.

(3) If the chief inspector is satisfied that, owing to the special conditions under which the work is carried on in any workroom in which explosive materials are manufactured or handled, the application of subsection (2) of this section to that workroom would be inappropriate or unnecessary, he may by certificate except the workroom from that subsection subject to any conditions specified in the certificate.

(4) The Minister may make regulations, as respects any class or description of factory or parts thereof or any process, increasing the number of cubic feet which must under this section be allowed for every person employed in a workroom.

(5) In calculating for the purposes of this section the amount of cubic space in any room no space more than fourteen feet from the floor shall be taken into account and, where a room contains a gallery, the gallery shall be treated for the purposes of this section as if it were partitioned off from the remainder of the room and formed a separate room.

(6) Unless the inspector for the district otherwise allows, there shall be posted in the workroom a notice specifying the number of persons who, having regard to the provisions of this section, may be employed in that room.

Temperature.

3.—(1) Effective provision shall be made for securing and maintaining a reasonable temperature in each workroom, but no method shall be employed which results in the escape into the air of any workroom of any fume of such a character and to such extent as to be likely to be injurious or offensive to persons employed therein.

(2) In every workroom in which a substantial proportion of the work is done sitting and does not involve serious physical effort a temperature of less than sixty degrees shall not be deemed, after the first hour, to be a reasonable temperature while work is going on, and at least one thermometer shall be provided and maintained in a suitable position in every such workroom.

(3) The Minister may, by regulations for factories or for any class or description of factory or parts thereof, prescribe a standard of reasonable temperature (which may vary the standard prescribed by subsection (2) of this section) and prohibit the use of any methods of maintaining a reasonable temperature which, in his opinion, are likely to be injurious to the persons employed, and direct that thermometers shall be provided and maintained in such places and positions as may be specified.

Ventilation.

4.—(1) Effective and suitable provision shall be made for securing and maintaining by the circulation of fresh air in each workroom the adequate ventilation of the room, and for rendering harmless, so far as practicable, all such fumes, dust and other impurities generated in the course of any process or work carried on in the factory as may be injurious to health.

(2) The Minister may by regulations prescribe a standard of adequate ventilation for factories or for any class or description of factory or parts thereof.

Lighting.

5.—(1) Effective provision shall be made for securing and maintaining sufficient and suitable lighting, whether natural or artificial, in every part of a factory in which persons are working or passing.

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(2) The Minister may by regulations prescribe a standard of sufficient and suitable lighting for factories or for any class or description of factory or parts thereof, or for any process.

(3) Nothing in the foregoing provisions of this section or in any regulations made thereunder shall be construed as enabling directions to be prescribed or otherwise given as to whether any artificial lighting is to be produced by any particular illuminant.

(4) All glazed windows and skylights used for the lighting of workrooms shall, so far as practicable, be kept clean on both the inner and outer surfaces and free from obstruction; but this subsection shall not affect the whitewashing or shading of windows and skylights for the purpose of mitigating heat or glare.

Drainage of floors.

6. Where any process is carried on which renders the floor liable to be wet to such an extent that the wet is capable of being removed by drainage, effective means shall be provided and maintained for draining off the wet.

Sanitary Conveniences.

7.—(1) Sufficient and suitable sanitary conveniences for the persons employed in the factory shall be provided, maintained and kept clean, and effective provision shall be made for lighting them and, where persons of both sexes are or are intended to be employed (except in the case of factories where the only persons employed are members of the same family dwelling there) the conveniences shall afford proper separate accommodation for persons of each sex.

(2) The Minister may make regulations determining for factories or for any class or description of factory what is sufficient and suitable provision for the purposes of this section.

Enforcement of certain provisions of Part I by district council.

8.—(1) The foregoing provisions of this Part of this Act relating to sanitary conveniences and any regulations made thereunder shall be enforced by the district council.

(2) Subject to subsections (3) and (4) of this section, the foregoing provisions of this Part of this Act relating to cleanliness, overcrowding, temperature, ventilation and drainage of floors and any order or regulations made thereunder shall, as respects any factory in which mechanical power is not used, be enforced by the district council.

(3) Subsection (2) of this section does not apply to any premises occupied or used by a railway company for the purposes of their railway or to any premises vested in the owners, trustees or conservators, acting under powers conferred on them by Parliament, of any dock, harbour or inland navigation and used for the purposes of the dock, harbour or inland navigation.

(4) Where special provision is made by this Act or any order or regulation made thereunder, against a risk of industrial disease or other risk of injury to health, the Minister may by order direct that the provisions mentioned in subsection (2) of this section or any of them shall not be enforced by the district council in the case of any class or description of factory or part thereof in respect of which that special provision is made.

(5) Every district council shall keep a register of all factories situate within their district with respect to which the duty to enforce any of the foregoing provisions of this Part of this Act is imposed on them.

(6) For references in any of the foregoing provisions of this Part of this Act to an inspector there shall be substituted, as respects any factory or part thereof in which that provision is enforceable by a district council, references to a medical officer of health.

Powers of inspector as to sanitary defect remediable by district council.

9.—(1) Where an inspector finds any act or default in relation to any drain, sanitary convenience, water supply, nuisance, or other matter in a factory which is liable to be dealt with by the district council under this Part of this Act or under the law relating to public health, he shall give notice thereof in writing to the district council, and it shall be the duty of the district council to make such inquiry into the subject of the notice, and to take such action thereon, as seems to the council proper for the purpose of enforcing the law, and to inform the inspector of the proceedings taken in consequence of the notice.

(2) Where an inspector finds any such act or default as aforesaid, he may take with him into the factory a medical officer of health, public health inspector (or, in Scotland, sanitary inspector) or other officer of the district council.

(3) If, within one month after notice of an act or default is given by an inspector under this section to a district council, proceedings are not taken for punishing or remedying the act or default, the inspector may take the like proceedings for the punishment or remedying thereof as the district council might have taken and shall be entitled to recover from the district council all such expenses incurred by him in and about the proceedings as are not recovered from any other person and have not been incurred in or about any unsuccessful legal proceedings.

(4) Any sum recoverable under subsection (3) of this section shall, in England and Wales, be recoverable summarily as a civil debt.

Powers in case of default of a district council.

10.—(1) If the Minister is satisfied that any district council have failed to enforce any of the provisions of this Part of this Act enforceable by them, he may, by order, authorise an inspector to take, during such period as may be mentioned in the order, such steps as appear necessary or proper for enforcing those provisions.

PART I

(2) An inspector authorised under this section shall, for the purpose of his duties thereunder, have the same powers in regard to any such matters as he has with respect to other matters under this Act, and he may, for that purpose, take the like proceedings for enforcing the provisions of this Act, or for punishing or remedying any act or default, as might be taken by the district council; and he shall be entitled to recover from the district council all such expenses incurred by him in and about any proceedings as are not recovered from any other person.

(3) Any sum recoverable under subsection (2) of this section shall, in England and Wales, be recoverable summarily as a civil debt.

Power to require medical supervision.

11.—(1) Where it appears to the Minister—

(*a*) that in any factory or class or description of factory—

(i) cases of illness have occurred which he has reason to believe may be due to the nature of a process or other conditions of work; or

(ii) by reason of changes in any process or in the substances used in any process, or by reason of the introduction of any new process or new substance for use in a process, there may be risk of injury to the health of persons employed in that process; or

(iii) young persons are or are about to be employed in work which may cause risk of injury to their health; or

(*b*) that there may be risk of injury to the health of persons employed in a factory—

(i) from any substance or material brought to the factory to be used or handled therein; or

(ii) from any change in the conditions of work or other conditions in the factory;

he may make special regulations requiring such reasonable arrangements to be made for the medical supervision (not including medical treatment other than first-aid treatment and medical treatment of a preventive character) of the persons, or any class of the persons, employed at that factory or class or description of factory as may be specified in the regulations.

(2) Where the Minister proposes to exercise his powers under this section in relation to a particular factory and for a limited period, he may exercise those powers by order instead of by special regulations, and any such order shall, subject to subsection (3) of this section, cease to have effect at the expiration of such period not exceeding six months from the date when it comes into operation as may be specified in the order.

(3) The Minister may by subsequent order or orders extend the said period, but if the occupier of the factory by notice in writing to him objects to any such extension, the original order

shall cease to have effect as from one month after the service of the notice, without prejudice to the making of special regulations in relation to the factory. PART I

PART II

SAFETY (GENERAL PROVISIONS)

Prime movers.

12.—(1) Every flywheel directly connected to any prime mover and every moving part of any prime mover, except such prime movers as are mentioned in subsection (3) of this section, shall be securely fenced, whether the flywheel or prime mover is situated in an engine-house or not.

(2) The head and tail race of every water wheel and of every water turbine shall be securely fenced.

(3) Every part of electric generators, motors and rotary converters, and every flywheel directly connected thereto, shall be securely fenced unless it is in such a position or of such construction as to be as safe to every person employed or working on the premises as it would be if securely fenced.

Transmission machinery.

13.—(1) Every part of the transmission machinery shall be securely fenced unless it is in such a position or of such construction as to be as safe to every person employed or working on the premises as it would be if securely fenced.

(2) Efficient devices or appliances shall be provided and maintained in every room or place where work is carried on by which the power can promptly be cut off from the transmission machinery in that room or place.

(3) No driving belt when not in use shall be allowed to rest or ride upon a revolving shaft which forms part of the transmission machinery.

(4) Suitable striking gear or other efficient mechanical appliances shall be provided and maintained and used to move driving belts to and from fast and loose pulleys which form part of the transmission machinery, and any such gear or appliances shall be so constructed, placed and maintained as to prevent the driving belt from creeping back on to the fast pulley.

(5) Where the Minister is satisfied that owing to special circumstances the fulfilment of any of the requirements of subsections (2) to (4) of this section is unnecessary or impracticable, he may by order direct that that requirement shall not apply in those circumstances.

PART II
Other machinery.

14.—(1) Every dangerous part of any machinery, other than prime movers and transmission machinery, shall be securely fenced unless it is in such a position or of such construction as to be as safe to every person employed or working on the premises as it would be if securely fenced.

(2) In so far as the safety of a dangerous part of any machinery cannot by reason of the nature of the operation be secured by means of a fixed guard, the requirements of subsection (1) of this section shall be deemed to have been complied with if a device is provided which automatically prevents the operator from coming into contact with that part.

(3) Where the Minister is satisfied that there is available and suitable for use in connection with machinery of any class any type or description of safety device which—

(*a*) prevents the exposure of a dangerous part of machinery whilst in motion; or

(*b*) stops a machine forthwith in case of danger;

he may make regulations directing that the type or description of device shall be provided for use in connection with such class of machinery as may be specified in the regulations.

(4) In any proceedings in respect of a contravention of subsection (3) of this section it shall be a sufficient defence to prove that a device at least equally effective was being used in connection with the machinery in respect of which the contravention occurred.

(5) Any part of a stock-bar which projects beyond the headstock of a lathe shall be securely fenced unless it is in such a position as to be as safe to every person employed or working on the premises as it would be if securely fenced.

(6) The Minister may, as respects any machine or any process in which a machine is used, make regulations requiring the fencing of materials or articles which are dangerous while in motion in the machine.

Provisions as to unfenced machinery.

15.—(1) In determining, for the purposes of the foregoing provisions of this Part of this Act, whether any part of machinery is in such a position or of such construction as to be as safe to every person employed or working on the premises as it would be if securely fenced, the following paragraphs shall apply in a case where this section applies, that is to say—

(*a*) no account shall be taken of any person carrying out, while the part of machinery is in motion, an examination thereof or any lubrication or adjustment shown by the examination to be immediately necessary, if the examination, lubrication or adjustment can only be

carried out while the part of machinery is in motion; and

(*b*) in the case of any part of transmission machinery used in any such process as may be specified in regulations made by the Minister, being a process where owing to the continuous nature thereof the stopping of that part would seriously interfere with the carrying on of the process, no account shall be taken of any person carrying out, by such methods and in such circumstances as may be specified in the regulations, any lubrication or any mounting or shipping of belts.

(2) This section only applies where the examination, lubrication or other operation is carried out by such male persons who have attained the age of eighteen as may be specified in regulations made by the Minister, and all such other conditions as may be so specified are complied with.

Construction and maintenance of fencing.

16. All fencing or other safeguards provided in pursuance of the foregoing provisions of this Part of this Act shall be of substantial construction, and constantly maintained and kept in position while the parts required to be fenced or safeguarded are in motion or use, except when any such parts are necessarily exposed for examination and for any lubrication or adjustment shown by the examination to be immediately necessary, and all such conditions as may be specified in regulations made by the Minister are complied with.

Construction and sale of machinery.

17.—(1) In the case of any machine in a factory which is a machine intended to be driven by mechanical power—

(*a*) every set-screw, bolt or key on any revolving shaft, spindle, wheel or pinion shall be so sunk, encased or otherwise effectively guarded as to prevent danger; and

(*b*) all spur and other toothed or friction gearing, which does not require frequent adjustment while in motion, shall be completely encased unless it is so situated as to be as safe as it would be if completely encased.

(2) Any person who sells or lets on hire, or as agent of the seller or hirer causes or procures to be sold or let on hire, for use in a factory in the United Kingdom any machine intended to be driven by mechanical power which does not comply with the requirements of this section shall be guilty of an offence and liable to a fine not exceeding two hundred pounds.

(3) The Minister may by regulations extend the provisions of subsection (2) of this section to machinery or plant which does not comply with such requirements of this Act or of any

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regulation made thereunder as may be specified in the regulations, and any regulations made under this subsection may relate to machinery or plant in a specified process.

(4) An offence under subsection (2) or subsection (3) of this section shall, where necessary for the purpose of conferring jurisdiction on any court to entertain proceedings for the offence, be deemed to have been committed in the place where the machine or, as the case may be, the machinery or plant, is for the time being.

(5) Proceedings for such an offence may be commenced at any time within the period of six months from the date on which evidence, sufficient in the opinion of the Minister to justify a prosecution for the offence, comes to his knowledge; and for the purposes of this subsection, a certificate, purporting to be signed by or on behalf of the Minister, as to the date on which such evidence came to his knowledge shall be conclusive evidence thereof.

(6) Nothing in this section applies to any machine constructed before the thirtieth day of July, nineteen hundred and thirty-seven, and regulations under subsection (3) of this section shall not apply to any machinery or plant constructed before the making of the regulations.

Dangerous substances.

18.—(1) Every fixed vessel, structure, sump or pit of which the edge is less than three feet above the highest ground or platform from which a person might fall into it shall, if it contains any scalding, corrosive or poisonous liquid, either be securely covered or be securely fenced to at least three feet above that ground or platform, or where by reason of the nature of the work neither secure covering nor secure fencing to that height is practicable, all practicable steps shall be taken by covering, fencing or other means to prevent any person from falling into the vessel, structure, sump or pit.

(2) Where any fixed vessel, structure, sump or pit contains any scalding, corrosive or poisonous liquid but is not securely covered, no ladder, stair or gangway shall be placed above, across or inside it which is not—

(*a*) at least eighteen inches wide, and

(*b*) securely fenced on both sides to a height of at least three feet and securely fixed.

(3) Where any such vessels, structures, sumps or pits as are mentioned in subsection (2) of this section adjoin, and the space between them, clear of any surrounding brick or other work, is less than eighteen inches in width or is not securely fenced on both sides to a height of at least three feet, secure barriers shall be so placed as to prevent passage between them.

(4) For the purposes of this section a ladder, stair or gangway shall not be deemed to be securely fenced unless it is provided either with sheet fencing or with an upper and a lower rail and toe boards.

(5) The Minister may by regulations extend any of the provisions of this section so as to make them applicable—

(*a*) to a vessel or structure which is not fixed; or

(*b*) to a vessel, structure, sump or pit containing a substance which is not a liquid;

and in relation to any substance which is not a liquid the expression "scalding", in a provision extended under paragraph (*b*) of this subsection, shall be taken to mean likely to cause burns.

(6) The Minister may by order exempt from the requirements of this section any class of vessel, structure, sump or pit in the case of which he is satisfied that the requirements are unnecessary or inappropriate.

Self-acting machines.

19.—(1) In any factory or part of a factory to which this subsection applies no traversing part of any self-acting machine and no material carried thereon shall, if the space over which it runs is a space over which any person is liable to pass, whether in the course of his employment or otherwise, be allowed on its outward or inward traverse to run within a distance of eighteen inches from any fixed structure which is not part of the machine; but nothing in this subsection shall prevent any portion of the traversing carriage of any self-acting spinning mule being allowed to run to a point twelve inches distant from any part of the head stock of another such machine.

(2) Subsection (1) of this section applies—

(*a*) to any factory erected after the thirty-first day of December, eighteen hundred and ninety-five; and

(*b*) to any factory or part of a factory reconstructed after the thirtieth day of July, nineteen hundred and thirty-seven; and

(*c*) to any extension of or addition to a factory made after the said thirtieth day of July.

(3) All practicable steps shall be taken by instructions to the person in charge of the machine and otherwise to ensure that no person employed shall be in the space between any traversing part of a self-acting spinning mule and any fixed part of the machine towards which the traversing part moves on the inward run, except when the machine is stopped with the traversing part on the outward run.

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Cleaning of machinery by women and young persons.

20. A woman or young person shall not clean any part of a prime mover or of any transmission machinery while the prime mover or transmission machinery is in motion, and shall not clean any part of any machine if the cleaning thereof would expose the woman or young person to risk of injury from any moving part either of that machine or of any adjacent machinery.

Training and supervision of young persons working at dangerous machines.

21.—(1) No young person shall work at any machine to which this section applies, unless he has been fully instructed as to the dangers arising in connection with it and the precautions to be observed, and—

(*a*) has received a sufficient training in work at the machine; or

(*b*) is under adequate supervision by a person who has a thorough knowledge and experience of the machine.

(2) This section applies to such machines as may be prescribed by the Minister, being machines which in his opinion are of such a dangerous character that young persons ought not to work at them unless the foregoing requirements are complied with.

Hoists and lifts—general.

22.—(1) Every hoist or lift shall be of good mechanical construction, sound material and adequate strength, and shall be properly maintained.

(2) Every hoist or lift shall be thoroughly examined by a competent person at least once in every period of six months and a report of the result of every such examination in the prescribed form and containing the prescribed particulars shall be signed by the person making the examination and shall within twenty-eight days be entered in or attached to the general register.

(3) Where the examination shows that the hoist or lift cannot continue to be used with safety unless certain repairs are carried out immediately or within a specified time, the person making the report shall within twenty-eight days of the completion of the examination send a copy of the report to the inspector for the district.

(4) Every hoistway or liftway shall be efficiently protected by a substantial enclosure fitted with gates, and the enclosure shall be such as to prevent, when the gates are shut, any person falling down the way or coming into contact with any moving part of the hoist or lift.

(5) Any such gate shall, subject to subsection (6) of this section and to section twenty-five of this Act, be fitted with efficient interlocking or other devices to secure that the gate

cannot be opened except when the cage or platform is at the landing and that the cage or platform cannot be moved away from the landing until the gate is closed.

(6) If in the case of a hoist or lift constructed or reconstructed before the thirtieth day of July, nineteen hundred and thirty-seven, it is not reasonably practicable to fit it with such devices as are mentioned in subsection (5) of this section, it shall be sufficient if the gate—

(*a*) is provided with such arrangements as will secure the objects of that subsection so far as is reasonably practicable, and

(*b*) is kept closed and fastened except when the cage or platform is at rest at the landing.

(7) Every hoist or lift and every such enclosure as is mentioned in subsection (4) of this section shall be so constructed as to prevent any part of any person or any goods carried in the hoist or lift from being trapped between any part of the hoist or lift and any fixed structure or between the counterbalance weight and any other moving part of the hoist or lift.

(8) There shall be marked conspicuously on every hoist or lift the maximum working load which it can safely carry, and no load greater than that load shall be carried on any hoist or lift.

Hoists and lifts used for carrying persons.

23.—(1) The following additional requirements shall apply to hoists and lifts used for carrying persons, whether together with goods or otherwise:—

(*a*) efficient automatic devices shall be provided and maintained to prevent the cage or platform overrunning;

(*b*) every cage shall on each side from which access is afforded to a landing be fitted with a gate, and in connection with every such gate efficient devices shall be provided to secure that, when persons or goods are in the cage, the cage cannot be raised or lowered unless the gate is closed, and will come to rest when the gate is opened.

(2) In the case of a hoist or lift constructed or reconstructed before the thirtieth day of July, nineteen hundred and thirty-seven, in connection with which it is not reasonably practicable to provide such devices as are mentioned in paragraph (*b*) of subsection (1) of this section it shall be sufficient if—

(*a*) such arrangements are provided as will secure the objects of that paragraph so far as is reasonably practicable; and

(*b*) the gate is kept closed and fastened except when the cage is at rest or empty.

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(3) In the case of a hoist or lift used as mentioned in subsection (1) of this section which was constructed or reconstructed after the twenty-ninth day of July, nineteen hundred and thirty-seven, where the platform or cage is suspended by rope or chain, there shall be at least two ropes or chains separately connected with the platform or cage, each rope or chain and its attachments being capable of carrying the whole weight of the platform or cage and its maximum working load, and efficient devices shall be provided and maintained which will support the platform or cage with its maximum working load in the event of a breakage of the ropes or chains or any of their attachments.

Teagle openings and similar doorways.

24.—(1) Every teagle opening or similar doorway used for hoisting or lowering goods or materials, whether by mechanical power or otherwise, shall be securely fenced and shall be provided with a secure hand-hold on each side.

(2) The fencing shall be properly maintained and shall, except when the hoisting or lowering of goods or materials is being carried on at the opening or doorway, be kept in position.

Exceptions and provisions supplementary to ss. 22–24.

25.—(1) For the purposes of sections twenty-two and twenty-three of this Act, no lifting machine or appliance shall be deemed to be a hoist or lift unless it has a platform or cage the direction of movement of which is restricted by a guide or guides.

(2) Subsections (3) to (8) of section twenty-two and section twenty-three of this Act shall not apply in the case of a continuous hoist or lift, and in such a case subsection (2) of the said section twenty-two shall have effect as if for the reference to six months there were substituted a reference to twelve months.

(3) Subsections (5) and (6) of the said section twenty-two and the said section twenty-three shall not apply in the case of a hoist or lift not connected with mechanical power; and in such a case—

(*a*) subsection (2) of the said section twenty-two shall have effect as if for the reference to six months there were substituted a reference to twelve months; and

(*b*) any gates to be fitted under subsection (4) of the said section twenty-two shall be kept closed and fastened except when the cage or platform is at rest at the landing.

(4) If it is shown to the satisfaction of the Minister that it would be unreasonable in the special circumstances of the case to enforce any requirement of sections twenty-two to twenty-four

of this Act or of subsection (3) of this section in respect of any class or description of hoist, lift, hoistway, liftway or teagle opening or similar doorway, he may by order direct that the requirement shall not apply as respects that class or description. PART II

Chains, ropes and lifting tackle.

26.—(1) The following provisions shall be complied with as respects every chain, rope or lifting tackle used for the purpose of raising or lowering persons, goods or materials:—

(*a*) no chain, rope or lifting tackle shall be used unless it is of good construction, sound material, adequate strength and free from patent defect;

(*b*) subject to subsection (2) of this section, a table showing the safe working loads of every kind and size of chain, rope or lifting tackle in use, and, in the case of a multiple sling, the safe working load at different angles of the legs, shall be posted in the store in which the chains, ropes or lifting tackle are kept, and in prominent positions on the premises, and no chain, rope or lifting tackle not shown in the table shall be used;

(*c*) no chain, rope or lifting tackle shall be used for any load exceeding its safe working load as shown by the table mentioned in paragraph (*b*) of this subsection or marked as mentioned in subsection (2) of this section;

(*d*) all chains, ropes and lifting tackle in use shall be thoroughly examined by a competent person at least once in every period of six months or at such greater intervals as the Minister may prescribe;

(*e*) no chain, rope or lifting tackle, except a fibre rope or fibre rope sling, shall be taken into use in any factory for the first time in that factory unless it has been tested and thoroughly examined by a competent person and a certificate of the test and examination specifying the safe working load and signed by the person making the test and examination has been obtained and is kept available for inspection;

(*f*) every chain and lifting tackle except a rope sling shall, unless of a class or description exempted by certificate of the chief inspector upon the ground that it is made of such material or so constructed that it cannot be subjected to heat treatment without risk of damage or that it has been subjected to some form of heat treatment (other than annealing) approved by him, be annealed at least once in every fourteen months or, in the case of chains or slings of half-inch bar or smaller, or chains used in connection with molten metal or molten slag, in every six months, except that

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chains and lifting tackle not in regular use need be annealed only when necessary;

(*g*) a register containing the prescribed particulars shall be kept in respect of all such chains, ropes or lifting tackle, except fibre rope slings.

(2) Paragraph (*b*) of subsection (1) of this section shall not apply in relation to any lifting tackle if its safe working load or, in the case of a multiple sling, the safe working load at different angles of the legs is plainly marked upon it.

(3) In this section "lifting tackle" means chain slings, rope slings, rings, hooks, shackles and swivels.

Cranes and other lifting machines.

27.—(1) All parts and working gear, whether fixed or moveable, including the anchoring and fixing appliances, of every lifting machine shall be of good construction, sound material, adequate strength and free from patent defect, and shall be properly maintained.

(2) All such parts and gear shall be thoroughly examined by a competent person at least once in every period of fourteen months and a register shall be kept containing the prescribed particulars of every such examination; and where the examination shows that the lifting machine cannot continue to be used with safety unless certain repairs are carried out immediately or within a specified time, the person making the report of the examination shall within twenty-eight days of the completion of the examination send a copy of the report to the inspector for the district.

(3) All rails on which a travelling crane moves and every track on which the carriage of a transporter or runway moves shall be of proper size and adequate strength and have an even running surface; and any such rails or track shall be properly laid, adequately supported or suspended and properly maintained.

(4) There shall be plainly marked on every lifting machine its safe working load or loads, except that in the case of a jib crane so constructed that the safe working load may be varied by the raising or lowering of the jib, there shall be attached thereto either an automatic indicator of safe working loads or a table indicating the safe working loads at corresponding inclinations of the jib or corresponding radii of the load.

(5) No lifting machine shall, except for the purpose of a test, be loaded beyond the safe working load as marked or indicated under subsection (4) of this section.

(6) No lifting machine shall be taken into use in any factory for the first time in that factory unless it has been tested and

all such parts and working gear of the machine as are specified in subsection (1) of this section have been thoroughly examined by a competent person and a certificate of the test and examination specifying the safe working load or loads of the machine and signed by the person making the test and examination has been obtained and is kept available for inspection.

(7) If any person is employed or working on or near the wheel-track of an overhead travelling crane in any place where he would be liable to be struck by the crane, effective measures shall be taken by warning the driver of the crane or otherwise to ensure that the crane does not approach within twenty feet of that place.

(8) If any person is employed or working otherwise than mentioned in subsection (7) of this section but in a place above floor level where he would be liable to be struck by an overhead travelling crane, or by any load carried by such a crane, effective measures shall be taken to warn him of the approach of the crane, unless his work is so connected with or dependent on the movements of the crane as to make a warning unnecessary.

(9) In this section "lifting machine" means a crane, crab, winch, teagle, pulley block, gin wheel, transporter or runway.

Floors, passages and stairs.

28.—(1) All floors, steps, stairs, passages and gangways shall be of sound construction and properly maintained and shall, so far as is reasonably practicable, be kept free from any obstruction and from any substance likely to cause persons to slip.

(2) For every staircase in a building or affording a means of exit from a building, a substantial hand-rail shall be provided and maintained, which, if the staircase has an open side, shall be on that side, and in the case of a staircase having two open sides or of a staircase which, owing to the nature of its construction or the condition of the surface of the steps or other special circumstances, is specially liable to cause accidents, such a hand-rail shall be provided and maintained on both sides.

(3) Any open side of a staircase shall also be guarded by the provision and maintenance of a lower rail or other effective means.

(4) All openings in floors shall be securely fenced, except in so far as the nature of the work renders such fencing impracticable.

(5) All ladders shall be soundly constructed and properly maintained.

Safe means of access and safe place of employment.

29.—(1) There shall, so far as is reasonably practicable, be provided and maintained safe means of access to every place at which any person has at any time to work, and every such place shall, so far as is reasonably practicable, be made and kept safe for any person working there.

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(2) Where any person has to work at a place from which he will be liable to fall a distance more than six feet six inches, then, unless the place is one which affords secure foothold and, where necessary, secure hand-hold, means shall be provided, so far as is reasonably practicable, by fencing or otherwise, for ensuring his safety.

Dangerous fumes and lack of oxygen.

30.—(1) The provisions of subsections (2) to (8) of this section shall have effect where work in any factory has to be done inside any chamber, tank, vat, pit, pipe, flue or similar confined space, in which dangerous fumes are liable to be present to such an extent as to involve risk of persons being overcome thereby.

(2) The confined space shall, unless there is other adequate means of egress, be provided with a manhole, which may be rectangular, oval or circular in shape, and shall be not less than eighteen inches long and sixteen inches wide or (if circular) not less than eighteen inches in diameter, or in the case of tank wagons and other mobile plant, not less than sixteen inches long and fourteen inches wide or (if circular) not less than sixteen inches in diameter.

(3) Subject to subsection (4) of this section, no person shall enter or remain in the confined space for any purpose unless he is wearing a suitable breathing apparatus and has been authorised to enter by a responsible person, and, where practicable, he is wearing a belt with a rope securely attached and a person keeping watch outside and capable of pulling him out is holding the free end of the rope.

(4) Where the confined space has been certified by a responsible person as being, for a specified period, safe for entry without breathing apparatus and the period so specified has not expired, subsection (3) of this section shall not apply, but no person shall enter or remain in the space unless he has been warned when that period will expire.

(5) A confined space shall not be certified under subsection (4) of this section unless—

(*a*) effective steps have been taken to prevent any ingress of dangerous fumes; and

(*b*) any sludge or other deposit liable to give off dangerous fumes has been removed and the space contains no other material liable to give off dangerous fumes; and

(*c*) the space has been adequately ventilated and tested for dangerous fumes and has a supply of air adequate for respiration;

but no account shall be taken for the purposes of paragraph (*b*) of this subsection of any deposit or other material liable to give off dangerous fumes in insignificant quantities only.

(6) There shall be provided and kept readily available a sufficient supply of breathing apparatus of a type approved by the chief inspector, of belts and ropes, and of suitable reviving apparatus and oxygen, and the apparatus, belts and ropes shall be maintained and shall be thoroughly examined, at least once a month or at such other intervals as may be prescribed, by a competent person; and a report on every such examination, signed by the person making the examination and containing the prescribed particulars, shall be kept available for inspection.

(7) A sufficient number of the persons employed shall be trained and practised in the use of the apparatus mentioned in subsection (6) of this section and in a method of restoring respiration.

(8) The chief inspector may by certificate grant, subject to any conditions specified in the certificate, exemption from compliance with any of the requirements of the foregoing provisions of this section in any case where he is satisfied that compliance with those requirements is unnecessary or impracticable.

(9) No person shall enter or remain in any confined space in which the proportion of oxygen in the air is liable to have been substantially reduced unless either—

(*a*) he is wearing a suitable breathing apparatus; or

(*b*) the space has been and remains adequately ventilated and a responsible person has tested and certified it as safe for entry without breathing apparatus.

(10) No work shall be permitted in any boiler-furnace or boiler-flue until it has been sufficiently cooled by ventilation or otherwise to make work safe for the persons employed.

Precautions with respect to explosive or inflammable dust, gas, vapour or substance.

31.—(1) Where, in connection with any grinding, sieving, or other process giving rise to dust, there may escape dust of such a character and to such an extent as to be liable to explode on ignition, all practicable steps shall be taken to prevent such an explosion by enclosure of the plant used in the process, and by removal or prevention of accumulation of any dust that may escape in spite of the enclosure, and by exclusion or effective enclosure of possible sources of ignition.

(2) Where there is present in any plant used in any such process as aforesaid dust of such a character and to such an extent as to be liable to explode on ignition, then, unless the plant is so constructed as to withstand the pressure likely to be produced by any such explosion, all practicable steps shall be taken to restrict the spread and effects of such an explosion by the provision, in connection with the plant, of chokes, baffles and vents, or other equally effective appliances.

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(3) Where any part of a plant contains any explosive or inflammable gas or vapour under pressure greater than atmospheric pressure, that part shall not be opened, except in accordance with the following provisions:—

(*a*) before the fastening of any joint of any pipe connected with the part of the plant or the fastening of the cover of any opening into the part is loosened, any flow of the gas or vapour into the part or into any such pipe shall be effectively stopped by a stop-valve or otherwise;

(*b*) before any such fastening is removed, all practicable steps shall be taken to reduce the pressure of the gas or vapour in the pipe or part of the plant to atmospheric pressure;

and if any such fastening has been loosened or removed, no explosive or inflammable gas or vapour shall be allowed to enter the pipe or part of the plant until the fastening has been secured or, as the case may be, securely replaced; but nothing in this subsection applies to a plant installed in the open air.

(4) No plant, tank or vessel which contains or has contained any explosive or inflammable substance shall be subjected—

(*a*) to any welding, brazing or soldering operation;

(*b*) to any cutting operation which involves the application of heat; or

(*c*) to any operation involving the application of heat for the purpose of taking apart or removing the plant, tank or vessel or any part of it;

until all practicable steps have been taken to remove the substance and any fumes arising from it, or to render them non-explosive or non-inflammable; and if any plant, tank or vessel has been subjected to any such operation, no explosive or inflammable substance shall be allowed to enter the plant, tank or vessel until the metal has cooled sufficiently to prevent any risk of igniting the substance.

(5) The chief inspector may by certificate grant, subject to any conditions specified in the certificate, exemption from compliance with any of the requirements of subsections (3) and (4) of this section in any case where he is satisfied that compliance with the requirement is unnecessary or impracticable.

Steam boilers —attachments and construction.

32.—(1) Subject to subsection (3) of this section, every steam boiler, whether separate or one of a range,—

(*a*) shall have attached to it the devices mentioned in subsection (2) of this section;

(*b*) shall be provided with means for attaching a test pressure gauge; and

(*c*) shall, unless externally fired, be provided with a suitable fusible plug or an efficient low-water alarm device.

(2) The devices referred to in subsection (1) of this section are—

(*a*) a suitable safety valve, separate from any stop-valve, which shall be so adjusted as to prevent the boiler being worked at a pressure greater than the maximum permissible working pressure and shall be fixed directly to, or as close as practicable to, the boiler;

(*b*) a suitable stop-valve connecting the boiler to the steam pipe;

(*c*) a correct steam pressure gauge connected to the steam space and easily visible by the boiler attendant, which shall indicate the pressure of steam in the boiler in pounds per square inch, and have marked on it in a distinctive colour the maximum permissible working pressure;

(*d*) at least one water gauge of transparent material or other type approved by the chief inspector to show the water level in the boiler, together, if the gauge is of the glass tubular type and the working pressure of the boiler normally exceeds forty pounds per square inch, with an efficient guard provided so as not to obstruct the reading of the gauge;

(*e*) where the boiler is one of two or more boilers, a plate bearing a distinctive number which shall be easily visible.

(3) Paragraph (*b*) of subsection (2) of this section shall not apply with respect to economisers, and paragraphs (*c*), (*d*) and (*e*) of that subsection and paragraphs (*b*) and (*c*) of subsection (1) of this section shall not apply with respect to either economisers or superheaters.

(4) For the purposes of the foregoing provisions of this section, a lever-valve shall not be deemed a suitable safety valve unless the weight is secured on the lever in the correct position

(5) Every part of every steam boiler shall be of good construction, sound material and adequate strength, and free from patent defect.

Steam boilers —maintenance, examination and use.

33.—(1) Every steam boiler and all its fittings and attachments shall be properly maintained.

(2) A steam boiler shall not be used in any factory unless it has been examined, together with its fittings and attachments, in such manner as the Minister may by special regulations prescribe and no greater period than may be so prescribed has

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elapsed since the examination, but the regulations may provide for extending in special circumstances the time during which a boiler which has been examined as required by the regulations may be used in a factory without being again so examined.

(3) The Minister may by special regulations prescribe the manner in which a steam boiler, together with its fittings and attachments, is to be examined after any such repairs as may be specified in the regulations; and where such repairs are carried out to a steam boiler after it has been examined under subsection (2) of this section, then, notwithstanding that the period prescribed under that subsection has not expired, the steam boiler shall not be used in any factory until the examination prescribed under this subsection has been made.

(4) A report of the result of every examination under this section in the prescribed form and containing the prescribed particulars (including the maximum permissible working pressure) shall as soon as practicable and in any case within twenty-eight days, or such other period as the Minister may by special regulations prescribe, after the completion of the examination, be entered in or attached to the general register, and the report shall be signed by the person making the examination, and if that person is an inspector of a boiler-inspecting company or association, countersigned by the chief engineer of the company or association or by such other responsible officer of the company or association as may be authorised in writing in that behalf by the chief engineer.

(5) No new steam boiler shall be taken into use unless there has been obtained from the manufacturer of the boiler, or from a boiler-inspecting company or association, a certificate specifying its maximum permissible working pressure, and stating the nature of the tests to which the boiler and fittings have been submitted, and the certificate is kept available for inspection, and the boiler is so marked as to enable it to be identified as the boiler to which the certificate relates.

(6) Where the report of any examination under this section specifies conditions for securing the safe working of a steam boiler, the boiler shall not be used except in accordance with those conditions.

(7) The person making the report of an examination under this section or, in the case of a boiler-inspecting company or association, the chief engineer thereof, shall within twenty-eight days, or such other period as the Minister may by special regulations prescribe, after the completion of the examination send to the inspector for the district a copy of the report in every case where the maximum permissible working pressure is reduced, or the examination shows that the boiler cannot continue to be used with safety unless certain repairs are carried out immediately or within a specified time.

(8) If the person employed to make any such examination fails to make a thorough examination as required by this section or makes a report which is false or deficient in any material particular, or if the chief engineer of any boiler-inspecting company or association permits any such report to be made, he shall be guilty of an offence and liable to a fine not exceeding one hundred pounds, and if any such person or chief engineer fails to send to the inspector for the district a copy of any report as required by subsection (7) of this section, he shall be guilty of an offence.

(9) If the chief inspector is not satisfied as to the competency of the person employed to make the examination or as to the thoroughness of the examination, he may require the boiler to be re-examined by a person nominated by him, and the occupier shall give the necessary facilities for the re-examination.

(10) If as a result of the re-examination it appears that the report of the examination was inadequate or inaccurate in any material particular, the cost of the re-examination shall be recoverable from the occupier, and the report of the re-examination purporting to be signed by the person making it shall be admissible in evidence of the facts stated therein.

(11) Any sum recoverable under subsection (10) of this section shall, in England and Wales, be recoverable summarily as a civil debt.

Steam boilers —restrictions on entry.

34. No person shall enter or be in any steam boiler which is one of a range of two or more steam boilers unless—

(*a*) all inlets through which steam or hot water might otherwise enter the boiler from any other part of the range are disconnected from that part; or

(*b*) all valves or taps controlling the entry of steam or hot water are closed and securely locked, and, where the boiler has a blow-off pipe in common with one or more other boilers or delivering into a common blow-off vessel or sump, the blow-off valve or tap on each such boiler is so constructed that it can only be opened by a key which cannot be removed until the valve or tap is closed and is the only key in use for that set of blow-off valves or taps.

Steam receivers and steam containers.

35.—(1) Every steam receiver, not so constructed and maintained as to withstand with safety the maximum permissible working pressure of the boiler or the maximum pressure which can be obtained in the pipe connecting the receiver with any other source of supply, shall be fitted with—

(*a*) a suitable reducing valve or other suitable automatic appliance to prevent the safe working pressure being exceeded; and

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(*b*) a suitable safety valve so adjusted as to permit the steam to escape as soon as the safe working pressure is exceeded, or a suitable appliance for cutting off automatically the supply of steam as soon as the safe working pressure is exceeded; and

(*c*) a correct steam pressure gauge, which must indicate the pressure of steam in the receiver in pounds per square inch; and

(*d*) a suitable stop valve; and

(*e*) except where only one steam receiver is in use, a plate bearing a distinctive number which shall be easily visible.

(2) The safety valve and pressure gauge shall be fitted either on the steam receiver or on the supply pipe between the receiver and the reducing valve or other appliance to prevent the safe working pressure being exceeded.

(3) Where any set of receivers is supplied with steam through a single pipe and the reducing valve or other appliance required by paragraph (*a*) of subsection (1) of this section is fitted on that pipe, the set shall be treated as one receiver for the purposes of paragraphs (*a*) to (*c*) of subsection (1) and for the purposes of subsection (2) of this section, and if the set forms part of a single machine, also for the purposes of paragraph (*d*) of the said subsection (1).

(4) Every part of every steam receiver shall be of good construction, sound material, adequate strength and free from patent defect.

(5) Every steam receiver and its fittings shall be properly maintained, and shall be thoroughly examined by a competent person, so far as the construction of the receiver permits, at least once in every period of twenty-six months.

(6) A report of the result of every such examination containing the prescribed particulars (including particulars of the safe working pressure) shall be entered in or attached to the general register.

(7) Every steam container shall be so maintained as to secure that the outlet is at all times kept open and free from obstruction.

(8) In this section—

"safe working pressure" means, in the case of a new steam receiver, that specified by the maker, and in the case of a steam receiver which has been examined in accordance with the provisions of this section, that specified in the report of the last examination;

"steam receiver" means any vessel or apparatus (other than a steam boiler, steam container, a steam pipe or coil,

or a part of a prime mover) used for containing steam under pressure greater than atmospheric pressure;

"steam container" means any vessel (other than a steam pipe or coil) constructed with a permanent outlet into the atmosphere or into a space where the pressure does not exceed atmospheric pressure, and through which steam is passed at atmospheric pressure or at approximately that pressure for the purpose of heating, boiling, drying, evaporating or other similar purpose.

Air receivers.

36.—(1) Every air receiver—

(*a*) shall have marked on it so as to be plainly visible the safe working pressure; and

(*b*) if it is connected with an air compressing plant, shall either be so constructed as to withstand with safety the maximum pressure that can be obtained in the compressor, or be fitted with a suitable reducing valve or other suitable appliance to prevent the safe working pressure of the receiver being exceeded; and

(*c*) shall be fitted with a suitable safety valve so adjusted as to permit the air to escape as soon as the safe working pressure is exceeded; and

(*d*) shall be fitted with a correct pressure gauge indicating the pressure in the receiver in pounds per square inch; and

(*e*) shall be fitted with a suitable appliance for draining the receiver; and

(*f*) shall be provided with a suitable manhole, handhole, or other means which will allow the interior to be thoroughly cleaned; and

(*g*) in a case where more than one receiver is in use in the factory, shall bear a distinguishing mark which shall be easily visible.

(2) For the purposes of the provisions of subsection (1) of this section relating to safety valves and pressure gauges, any set of air receivers supplied with air through a single pipe may be treated as one receiver but, where a suitable reducing valve or other suitable appliance to prevent the safe working pressure being exceeded is required to be fitted, only if the valve or appliance is fitted on that pipe.

(3) Every air receiver and its fittings shall be of sound construction and properly maintained.

(4) Every air receiver shall be thoroughly cleaned and examined at least once in every period of twenty-six months,

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except that in the case of a receiver of solid drawn construction—

(*a*) the person making any such examination may specify in writing a period exceeding twenty-six months but not exceeding four years within which the next examination is to be made; and

(*b*) if it is so constructed that the internal surface cannot be thoroughly examined, a suitable hydraulic test of the receiver shall be carried out in lieu of internal examination.

(5) Every such examination and test shall be carried out by a competent person, and a report of the result of every such examination and test, containing the prescribed particulars (including particulars of the safe working pressure) shall be entered in or attached to the general register.

(6) In this section "air receiver" means—

(*a*) any vessel (other than a pipe or coil, or an accessory, fitting or part of a compressor) for containing compressed air and connected with an air compressing plant; or

(*b*) any fixed vessel for containing compressed air or compressed exhaust gases and used for the purpose of starting an internal combustion engine; or

(*c*) any fixed or portable vessel (not being part of a spraying pistol) used for the purpose of spraying by means of compressed air any paint, varnish, lacquer or similar material; or

(*d*) any vessel in which oil is stored and from which it is forced by compressed air;

but paragraph (*e*) of subsection (1) of this section shall not apply to any such vessel as is mentioned in paragraph (*c*) or paragraph (*d*) of this subsection.

Exceptions as to steam boilers, steam receivers and containers, and air receivers.

37.—(1) Sections thirty-two to thirty-four of this Act do not apply to any boiler belonging to or exclusively used in the service of Her Majesty or belonging to and used by the United Kingdom Atomic Energy Authority, or to the boiler of any ship or of any locomotive which belongs to and is used by any railway company.

(2) The chief inspector may by certificate except from any of the provisions of sections thirty-two to thirty-six of this Act any class or type of steam boiler, steam receiver, steam container or air receiver to which he is satisfied that the provision cannot reasonably be applied.

(3) Any such exception may be unqualified or may be subject to such conditions as may be contained in the certificate.

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Steam boilers —supplementary provisions.

38. In this Part of this Act " steam boiler " means any closed vessel in which for any purpose steam is generated under pressure greater than atmospheric pressure, and includes any economiser used to heat water being fed to any such vessel, and any superheater used for heating steam; and " maximum permissible working pressure ", in relation to any steam boiler, means (except in subsections (4) and (5) of section thirty-three) that specified in the report of the last examination under that section.

Precautions as respects water-sealed gasholders.

39.—(1) Every gasholder shall be of sound construction and shall be properly maintained.

(2) Every gasholder shall be thoroughly examined externally by a competent person at least once in every period of two years, and a record containing the prescribed particulars of every such examination shall be entered in or attached to the general register.

(3) In the case of a gasholder of which any lift has been in use for more than twenty years, the internal state of the sheeting shall, at least once in every period of ten years, be examined by a competent person by cutting samples from the crown and sides of the holder or by other sufficient means, and all samples so cut and a report on every such examination signed by the person making it shall be kept available for inspection.

(4) A record signed by the occupier of the factory or by a responsible official authorised in that behalf showing the date of the construction, as nearly as it can be ascertained, of the oldest lift of every gasholder in the factory shall be kept available for inspection.

(5) Where there is more than one gasholder in the factory, every gasholder shall be marked in a conspicuous position with a distinguishing number or letter.

(6) No gasholder shall be repaired or demolished except under the direct supervision of a person who, by his training and experience and his knowledge of the necessary precautions against risks of explosion and of persons being overcome by gas, is competent to supervise such work.

(7) In this section " gas holder " means a water-sealed gasholder which has a storage capacity of not less than five thousand cubic feet.

Means of escape in case of fire— certification by fire authority.

40.—(1) Subject to subsection (2) of this section, no premises shall be used as a factory to which this section applies unless there is in force with respect to the premises a certificate of the fire authority that the premises are provided with such means of escape in case of fire for the persons employed in the factory as may reasonably be required in the circumstances of the case.

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(2) Where an application to certify any premises under this section is made in the prescribed form to the fire authority and, if regulations made by the Minister so require, the application is accompanied by such plans as may be prescribed in the regulations, subsection (1) of this section shall not apply to the use of the premises after the making of the application and before the grant or refusal of the certificate.

(3) If any premises are used in contravention of this section the occupier shall be guilty of an offence and liable to a fine not exceeding two hundred pounds and, if the contravention is continued after conviction, he shall (subject to section one hundred and fifty-seven of this Act) be guilty of a further offence and liable to a fine not exceeding twenty pounds for each day on which the contravention is so continued.

(4) Where on the making of an application for a certificate under this section the fire authority inform the applicant that they will not grant the certificate unless specified alterations are made to the premises they shall specify the time within which the alterations are to be carried out and, if the certificate is not granted it shall be deemed to have been refused at the expiration of the time so specified or such further time as the authority may have allowed.

(5) The fire authority shall examine every factory to which this section applies and, on being satisfied that it is provided with such means of escape as is mentioned in subsection (1) of this section, give a certificate under this section.

(6) The certificate shall specify precisely and in detail the means of escape provided and shall contain particulars as to the maximum number of persons employed or proposed to be employed in the factory as a whole and, if the authority thinks fit, in any specified part thereof, and as to any explosive or highly inflammable material stored or used and as to other matters taken into account in granting the certificate.

(7) The certificate shall be attached by the occupier to the general register and a copy of it shall be sent by the fire authority to the inspector for the district.

Means of escape in case of fire—maintenance, inspection, etc.

41.—(1) All means of escape specified in a certificate under section forty of this Act shall be properly maintained and kept free from obstruction.

(2) After a certificate under section forty of this Act has been given with respect to any factory the fire authority may examine the factory and every part thereof for the purpose of ascertaining whether there has been a change of conditions by reason of which the existing means of escape in case of fire have become insufficient.

(3) If, after the grant of such a certificate, it is proposed to make any material extension or material structural alteration of the factory premises or to increase materially the number of persons employed in the factory or in any part specified in the certificate, or to begin to store or use explosive or highly inflammable material in the factory or materially to increase the extent of such storage or use, the occupier shall give notice in writing of the proposal to the fire authority.

(4) If the fire authority on receipt of the notice are of opinion that the conditions in regard to escape in case of fire will be affected, or if at any time they are satisfied that by reason of changed conditions the existing means of escape have become insufficient, they may by notice in writing require the occupier to make such alterations, within such period, as may be specified in the notice.

(5) If it appears to an inspector that dangerous conditions in regard to escape in case of fire exist in any factory to which section forty of this Act applies he may give notice thereof in writing to the fire authority, and it shall be the duty of the authority forthwith to examine the factory, and they may by notice in writing require the occupier to make such alterations, within such period, as may be specified in the notice.

(6) The occupier shall, within the period specified in any notice of the fire authority under this section, carry out any alterations required by the notice, and upon their being carried out the authority shall amend the certificate or issue a new certificate; and if the alterations are not so carried out, the authority shall, without prejudice to the taking of other proceedings, cancel the certificate.

(7) If it appears to an inspector that the conditions in regard to escape in case of fire in any factory to which section forty of this Act applies are so dangerous that the factory or any part thereof ought not to be used, or ought not to be used for a particular process or work, until steps have been taken to remedy the danger, he may, in lieu of serving a notice on the fire authority under the foregoing provisions of this section, make a complaint to a magistrates' court, and the court may, on being satisfied of those matters, by order prohibit the use of the factory or part thereof, or its use for the particular process or work, until such works have been executed as are in the opinion of the court necessary to remedy the danger.

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Means of escape in case of fire—exchange of information, consultation and action in default.

42.—(1) The fire authority shall inform the inspector for the district in any case in which a certificate under section forty of this Act has been, or is deemed to have been, refused or has been cancelled.

(2) The fire authority shall send a copy of any certificate amended, and of any new certificate issued by them under subsection (6) of section forty-one of this Act, to the inspector for the district.

(3) Where any works have been executed in any factory in pursuance of an order under subsection (7) of section forty-one of this Act, the inspector shall give notice thereof to the fire authority, who shall amend any certificate in force under section forty of this Act in respect of the factory, or issue a new certificate, as the case may require.

(4) Before specifying, for the purposes of section forty or section forty-one of this Act, any alterations to any premises outside London the fire authority, except where they are the local authority (within the meaning of the Public Health Act, 1936, or the Building (Scotland) Act, 1959), for the area in which the premises are situated, shall consult that local authority.

(5) Where notice is given by an inspector to a fire authority under subsection (5) of section forty-one of this Act, with respect to dangerous conditions in any factory, the authority shall inform the inspector of any action taken for remedying the dangerous conditions and, if no such action is taken by them within one month of the receipt of the notice, the inspector may take the like action as the authority might have taken and shall be entitled to recover from the authority all such expenses as he may incur in doing so and as are not recovered from any other person and are not expenses incurred in or about any unsuccessful legal proceedings.

(6) Any sum recoverable under subsection (5) of this section shall, in England and Wales, be recoverable summarily as a civil debt.

Means of escape in case of fire—right of appeal of occupier against refusal of certificate, etc.

43. If the occupier of any factory is aggrieved by the refusal of a fire authority to grant a certificate under section forty of this Act or to amend such a certificate or by being required by the fire authority under section forty-one of this Act or by an inspector under section forty-two thereof to carry out any alterations at the factory, or by the period within which he is required to carry them out, or by the cancellation of such a certificate, he may appeal, within twenty-one days of the refusal, notice of requirement, or cancellation, to a magistrates' court and, pending final determination of the appeal, no offence shall be deemed to be committed under section forty of this Act by reason that the premises to which the appeal relates are used as a factory without a certificate being in force with respect thereto.

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Means of escape in case of fire—special provisions as to London.

44.—(1) Subject to subsection (2) of this section, a factory or part of a factory forming part of a building from all parts of which means of escape in case of fire have been provided in accordance with the requirements of Part V of the London Building Acts (Amendment) Act, 1939, and are maintained, shall be entitled to receive a certificate under section forty of this Act, and pending the receipt of the certificate no offence shall be deemed to be committed under that section by reason of the use of the factory while no such certificate is in force with respect thereto.

(2) Subsection (1) of this section does not apply to any factory or part thereof if, since the means of escape were provided, any action has been taken of which notice would, if a certificate under section forty of this Act had been granted, have been required to be given to the fire authority.

Means of escape in case of fire—factories to which s. 40 applies.

45. Section forty of this Act applies to every factory—

(*a*) in which more than twenty persons are employed; or

(*b*) which was being constructed or converted for use as a factory at the date of the passing of the Factories Act, 1937 (that is to say the thirtieth day of July, nineteen hundred and thirty-seven) or was constructed or so converted after that date, and in which more than ten persons are employed in the same building on any floor above the ground floor of the building; or

(*c*) of which the construction was completed before the said date and in which more than ten persons are employed in the same building above the first floor of the building or more than twenty feet above the ground level; or

(*d*) in or under which explosive or highly inflammable materials are stored or used;

and the Minister may by regulations provide that that section shall also apply to any class or description of factory specified in the regulations.

Means of escape in case of fire—regulations and bye-laws.

46.—(1) The Minister may make regulations as to the means of escape in case of fire to be provided in factories or any class or description of factory.

(2) It shall be the duty of the fire authority to see that the regulations are complied with and the provisions of Part I of this Act as to the power to act in default of a district council shall (with the necessary modifications) apply in the case of any default of a fire authority under this subsection.

(3) If a certificate has been issued under section forty of this Act in respect of a factory which is not in conformity with the regulations under this section, the fire authority shall serve a

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notice on the occupier of the factory requiring him to make, within a specified period, such alterations as they consider necessary to bring the factory into conformity with the regulations, and the provisions of sections forty-one and forty-three of this Act shall apply in relation to any such notice as they apply in relation to a notice of the fire authority under the said section forty-one.

(4) Every fire authority shall in addition to any powers which they possess with reference to the prevention of fire, have power to make byelaws as to the means of escape in case of fire to be provided in factories or any class or description of factory, but such byelaws shall be void in so far as they contain any provisions inconsistent with any regulations made by the Minister under this section.

(5) The Minister of Housing and Local Government, or, in Scotland, the Secretary of State shall be the confirming authority for any byelaws made under subsection (4) of this section.

(6) Sections two hundred and fifty to two hundred and fifty-two of the Local Government Act, 1933, or, in Scotland, sections three hundred and one to three hundred and three of the Local Government (Scotland) Act, 1947 (which relate to the procedure for making byelaws, penalties for offences against byelaws and evidence of byelaws), shall apply to any byelaw made under subsection (4) of this section by an authority which is not a local authority within the meaning of the said Act of 1933 or the said Act of 1947, as if it were such an authority; and where (in Scotland) any such byelaw is made by an authority not having a common seal it shall be authenticated by the signature of two members and the clerk of the authority.

(7) This section shall in its application to the Administrative County of London have effect as if subsections (5) and (6) were omitted, and as if the matters with respect to which byelaws may be made under this section were included in the matters with respect to which the London County Council may make byelaws under section four of the London Building Act (Amendment) Act, 1935, and as if any byelaws made under this section were made under the said section four.

Means of escape in case of fire—provisions as to fire authority.

47.—(1) An examination by a fire authority under section forty or section forty-one of this Act may be carried out either by an officer of the authority authorised by them in writing or, where in any county, county borough or burgh the council thereof is not the fire authority and the fire authority so requests, by an officer of that council authorised in writing by the council.

(2) In sections forty to forty-six of this Act and this section, "fire authority" means, in relation to any area, the authority

for the time being constituted the fire authority for that area by the Fire Services Act, 1947; except that—

(*a*) where in accordance with arrangements made under section twelve of that Act all the functions of the fire authority under that Act in respect of the whole or part of the area are discharged by another fire authority, it means in relation to that area or that part, that other fire authority; and

(*b*) in relation to an area in Scotland the fire brigade for which is administered by such a joint committee as is mentioned in paragraph (*b*) of subsection (4) of section thirty-six of that Act, it means that joint committee.

(3) A change in the authority which is the fire authority in relation to any area shall not affect the validity of any byelaw made under section forty-six of this Act or of any certificate under section forty thereof issued by the authority exercising functions under those sections before the change, or of any notice given under section forty-one, forty-two or forty-six of this Act by or to that authority; but the authority ceasing to exercise those functions shall send to the authority exercising them after the change a copy of any certificate under the said section forty which relates to a factory in the area in relation to which the last-mentioned authority are the fire authority and of any such notice which relates to such a factory and was given within twelve months before that time.

Safety provisions in case of fire.

48.—(1) While any person is within a factory for the purpose of employment or meals, the doors of the factory, and of any room therein in which he is, and any doors which afford a means of exit for persons employed in the factory from any building or from any enclosure in which the factory is situated, shall not be locked or fastened in such manner that they cannot be easily and immediately opened from the inside.

(2) Any doors opening on to any staircase or corridor from any room in which more than ten persons are employed, and in the case of any factory constructed or converted for use as a factory after the end of June, nineteen hundred and thirty-eight, all other doors affording a means of exit from the factory for persons employed therein, shall, except in the case of sliding doors, be constructed to open outwards.

(3) In any factory constructed or converted for use as a factory before July, nineteen hundred and thirty-eight, in which more than ten persons are employed in the same building above the ground floor, any door which is not kept continuously open, at the foot of a staircase affording a means of exit from the building, shall, except in the case of sliding doors, be constructed to open outwards.

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(4) Every hoistway or liftway inside a building constructed after the end of June, nineteen hundred and thirty-eight, shall be completely enclosed with fire-resisting materials, and all means of access to the hoist or lift shall be fitted with doors of fire-resisting materials; except that any such hoistway or liftway which is not provided with a vent at the top shall at the top be enclosed only by some material easily broken by fire.

(5) The chief inspector may by certificate grant, subject to any conditions specified in the certificate, exemption from compliance with any of the requirements of subsections (2) to (4) of this section in any case where he is satisfied that compliance with those requirements is inappropriate or undesirable.

(6) Every window, door or other exit affording means of escape in case of fire or giving access thereto, other than the means of exit in ordinary use, shall be distinctively and conspicuously marked by a notice printed in letters of adequate size.

(7) In every building which is, forms part of or comprises a factory to which section forty of this Act applies, effective means, capable of being operated without exposing any person to undue risk, shall be provided and maintained for giving warning in case of fire, which shall be clearly audible throughout the building or, where the factory is part only of the building, in every part of the building which is used for the purposes of the factory.

(8) The Minister may by regulations apply the provisions of subsection (7) of this section to any class or description of factory.

(9) The Minister may by order grant exemption from or modify the requirements of subsection (7) of this section in any case where it appears to him that those requirements are unnecessary or, as the case may be, would, unless modified, be unreasonable; and any such order may apply to any particular factory or part of a factory or any class or description of factory.

(10) The contents of any room in which persons are employed shall be so arranged or disposed that there is a free passage-way for all persons employed in the room to a means of escape in case of fire.

Instruction as to use of means of escape in case of fire.

49.—(1) Where in any factory more than twenty persons are employed in the same building above the first floor or more than twenty feet above ground level, or explosive or highly inflammable materials are stored or used in any building where persons are employed, effective steps shall be taken to ensure that all the persons employed are familiar with the means of escape in case of fire and their use and with the routine to be followed in case of fire.

(2) The Minister may by regulations apply the provisions of subsection (1) of this section to any class or description of factory.

(3) The Minister may make regulations as to the steps to be taken for the purposes of subsection (1) of this section in factories to which that subsection applies, or any class or description thereof.

Prevention of fire.

50.—(1) The Minister may make special regulations as to the measures to be taken to reduce the risk of fire breaking out in any factory or of any such fire or smoke therefrom spreading in any factory, and such regulations may, among other things, prescribe requirements as to the internal construction of a factory and the materials used in that construction.

(2) Special regulations made under this section may provide, as regards any of their provisions, that some other person or persons shall be responsible for a contravention thereof instead of or as well as the occupier.

Fire fighting.

51.—(1) In every factory there shall be provided and maintained appropriate means for fighting fire, which shall be so placed as to be readily available for use.

(2) The Minister may by special regulations prescribe for any class or description of factory or part thereof specified means for fighting fire, and any such regulations may provide for the testing or examination of the means so specified and for the recording of particulars of the tests or examinations and of any defects found and action taken to remedy the defects.

(3) The Minister may make special regulations requiring means to be provided in any class or description of factory for notifying the fire brigade in case of fire and requiring employed persons to be made familiar with their use.

(4) Special regulations made under this section may provide, as regards any of their provisions, that some other person or persons shall be responsible for a contravention thereof instead of or as well as the occupier.

(5) Any requirement imposed by regulations made under subsection (2) of this section may be so imposed either in substitution for or without prejudice to the general requirements of subsection (1) of this section.

(6) The Minister may by order grant exemption from the requirements of subsection (1) of this section and any such order may apply to any particular factory or part of a factory or any class or description of factory.

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Testing or examination of fire warnings.

52.—(1) There shall be tested or examined at least once in every period of three months and whenever an inspector so requires every means for giving warning in case of fire which is required to be provided by or under this Act.

(2) The Minister may by regulations provide that in relation to any class or description of appliance or in relation to any class or description of factory subsection (1) of this section shall have effect with the substitution for the period of three months of such period as may be specified in the regulations.

(3) The Minister may by regulations prescribe the nature of the test or examination to be carried out in pursuance of this section.

(4) There shall be entered in or attached to the general register the date of every test or examination carried out in pursuance of this section and particulars of any defect found and the date and particulars of any action taken to remedy any such defect.

Power of Minister to require special safety arrangements for the prevention of accidents.

53. Where it appears to the Minister that, in view of the number and nature of accidents occurring in any factory or class or description of factory, special provision ought to be made at that factory or at factories of that class or description to secure the safety of persons employed therein, he may make special regulations requiring the occupier to make such reasonable provision by arrangements for special supervision in regard to safety, investigation of the circumstances and causes of accidents, and otherwise as may be specified in the regulations.

Power to make orders as to dangerous conditions and practices.

54.—(1) If on complaint by an inspector a magistrates' court is satisfied either—

(*a*) that any part of the ways, works, machinery, or plant used in a factory is in such condition or is so constructed or is so placed that it cannot be used without risk of bodily injury; or

(*b*) that any process or work is carried on or anything is or has been done in any factory in such a manner as to cause risk of bodily injury;

the court shall, as the case may require, by order—

(i) prohibit the use of that part of the ways, works, machinery or plant, or, if it is capable of repair or alteration, prohibit its use until it is duly repaired or altered; or

(ii) require the occupier to take such steps as may be specified in the order for remedying the danger complained of.

(2) Where a complaint is or has been made under subsection (1) of this section, the court may, on application ex parte by the inspector, and on receiving evidence that the use of any such part of the ways, works, machinery, or plant, or, as the case may be, the carrying on of any process or work or the doing

of anything in such a manner as aforesaid, involves imminent risk of serious bodily injury, make an interim order prohibiting, either absolutely or subject to conditions, the use, carrying on or doing thereof until the earliest opportunity for hearing and determining the complaint.

(3) In exercising its powers under subsection (2) of this section the court may be composed of a single justice.

Power to make orders as to safety of factory premises.

55.—(1) Where a magistrates' court is satisfied on complaint by an inspector that any premises which are or are part of or are intended to be used as a factory are in such condition, or are so constructed or placed, that any process or work carried on therein, or intended to be carried on therein, cannot be so carried on with due regard to the safety, health and welfare of the persons employed, the court may by order prohibit the use thereof for the purpose of that process or work and, in the case of premises which are intended for use as a factory, the court may make the like order if satisfied on complaint by an inspector that the process or work cannot be carried on therein without a contravention of this Act or a regulation or order made thereunder.

(2) The carrying on of any process or work may, by an order under subsection (1) of this section, be prohibited either indefinitely, or until such steps have been taken as may be specified in the order to enable the process or work to be carried on with due regard to the safety, health and welfare of the persons employed or without such a contravention as aforesaid, as the case may be; but any such order may be revoked or varied on the application by way of complaint of the occupier or owner of the premises.

(3) On any application for the revocation or variation of an order under subsection (1) of this section the inspector for the district shall be entitled to be heard.

Application of Part II to Scotland.

56. In the application of this Part of this Act to Scotland, for any reference to a magistrates' court there shall be substituted a reference to the sheriff, for any reference to a complaint a reference to a summary application, and subsection (3) of section fifty-four shall be omitted.

PART III

WELFARE (GENERAL PROVISIONS)

Supply of drinking water.

57.—(1) There shall be provided and maintained at suitable points conveniently accessible to all persons employed an adequate supply of wholesome drinking water from a public main or from some other source approved in writing by the district council.

(2) A supply of drinking water which is not laid on shall be contained in suitable vessels, and shall be renewed at least daily, and all practicable steps shall be taken to preserve the

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water and vessels from contamination; and a drinking water supply (whether laid on or not) shall, in such cases as the inspector for the district may direct, be clearly marked " Drinking Water ".

(3) Except where the water is delivered in an upward jet from which employed persons can conveniently drink, one or more suitable cups or drinking vessels shall be provided at each point of supply with facilities for rinsing them in drinking water.

(4) The approval required under subsection (1) of this section shall not be withheld except on the ground that the water is not wholesome.

Washing facilities.

58.—(1) There shall be provided and maintained for the use of employed persons adequate and suitable facilities for washing which shall include a supply of clean running hot and cold or warm water and, in addition, soap and clean towels or other suitable means of cleaning or drying; and the facilities shall be conveniently accessible and shall be kept in a clean and orderly condition.

(2) The Minister may by regulations prescribe, either generally or as respects any class or description of factory or as respects the persons employed in any process, a standard of adequate and suitable washing facilities.

(3) The Minister may by regulations provide for the exemption of factories from any of the requirements of this section in cases where, by reason of the difficulty of obtaining an adequate supply of water, or the fact that accommodation is restricted and adequate and suitable washing facilities are otherwise conveniently available, or such other special circumstances as may be specified in the regulations, the application of the requirement would in his opinion be unreasonable.

(4) Without prejudice to subsection (3) of this section, the Minister may by regulations provide for exempting from so much of subsection (1) of this section as requires the water supplied to be running water factories in which the largest number of persons at work at any one time does not exceed such number as may be specified in the regulations.

Accommodation for clothing.

59.—(1) There shall be provided and maintained for the use of employed persons adequate and suitable accommodation for clothing not worn during working hours; and such arrangements as are reasonably practicable or, when a standard is prescribed, such arrangements as are laid down thereby shall be made for drying such clothing.

(2) The Minister may by regulations prescribe, either generally or as respects any class or description of factory, a standard of adequate and suitable accommodation for such clothing and of arrangements for drying such clothing.

(3) The Minister may by regulations provide for the exemption of factories from any of the requirements of this section in cases where by reason of such special circumstances as may be specified in the regulations the application of the requirement would in his opinion be unreasonable.

Sitting facilities

60.—(1) Where any employed persons have in the course of their employment reasonable opportunities for sitting without detriment to their work, there shall be provided and maintained for their use suitable facilities for sitting sufficient to enable them to take advantage of those opportunities.

(2) Where a substantial proportion of any work can properly be done sitting—

(*a*) there shall be provided and maintained for any employed person doing that work a seat of a design, construction and dimensions suitable for him and the work, together with a foot-rest on which he can readily and comfortably support his feet if he cannot do so without a foot-rest, and

(*b*) the arrangements shall be such that the seat is adequately and properly supported while in use for the purpose for which it is provided.

(3) For the purposes of subsection (2) of this section the dimensions of a seat which is adjustable shall be taken to be its dimensions as for the time being adjusted.

First-aid.

61.—(1) There shall be provided and maintained so as to be readily accessible a first-aid box or cupboard of the prescribed standard, and where more than one hundred and fifty persons are employed an additional box or cupboard for every additional one hundred and fifty persons.

(2) For the purposes of subsection (1) of this section the number of persons employed in a factory shall be taken to be the largest number of persons employed therein at any one time, and any fraction of one hundred and fifty shall be reckoned as one hundred and fifty.

(3) Nothing except appliances or requisites for first-aid shall be kept in a first-aid box or cupboard.

(4) Each first-aid box or cupboard shall be placed under the charge of a responsible person who shall, in the case of a factory where more than fifty persons or more than such lower number of persons as the Minister may by regulations prescribe, are employed, be trained in first-aid treatment, and the person in charge shall always be readily available during working hours.

(5) A notice shall be affixed in every workroom stating the name of the person in charge of the first-aid box or cupboard provided in respect of that room.

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(6) For the purposes of subsection (4) of this section a person shall not be deemed to be trained in first-aid treatment unless he satisfies the prescribed conditions.

(7) Where a contravention of subsection (4) of this section is committed through a failure to comply with so much thereof as requires the person in charge of a first-aid box or cupboard to be trained in first-aid treatment, it shall be a defence in any proceedings for the contravention to prove that the accused made all reasonable efforts to secure compliance but was unable to do so.

(8) If an ambulance room is provided at the factory and such arrangements are made as to ensure the immediate treatment there of all injuries occurring in the factory, the chief inspector may by certificate exempt the factory from the requirements of this section to such extent and subject to such conditions as he may specify in the certificate.

Welfare regulations.

62.—(1) Where it appears to the Minister that owing to the conditions and circumstances of employment or the nature of the processes carried on, provision requires to be made in relation to any of the matters to which this section applies for securing the welfare of the persons employed or any class of them, he may make special regulations requiring such reasonable steps to be taken in connection therewith as may be specified in the regulations, either in addition to, or in substitution for, or by way of extension or variation of, any of the foregoing provisions of this Part of this Act.

(2) This section applies to the matters dealt with in the foregoing provisions of this Part of this Act; to arrangements for preparing or heating, and taking, meals; to the supply of protective clothing; to ambulance and first-aid arrangements; to the supply and use of seats in workrooms; to rest rooms; and to arrangements for the supervision of persons employed.

(3) This section does not apply to factories in which the only persons employed are members of the same family dwelling there.

(4) Special regulations under this section are in this Act referred to as "welfare regulations" and any such regulations may—

(*a*) be made for a particular factory or for factories of any class or description;

(*b*) be made contingent in respect of particular requirements upon application being made by a specified number or proportion of the employed persons concerned, and prescribe the manner in which the views of the persons employed are to be ascertained;

(*c*) provide for the employed persons concerned being associated in the management of the arrangements, accommodation or other facilities for which provision

is made, in any case where a portion of the cost is contributed by the persons employed; but no contribution shall be required from the persons employed in any factory, except for the purpose of providing additional or special benefits which, in the opinion of the Minister, could not reasonably be required to be provided by the employer alone, and unless two-thirds at least of the employed persons affected in that factory, on their views being ascertained in the prescribed manner, assent.

(5) Welfare regulations may impose duties on owners and, so far as relates to the use of any facilities provided, on employed persons.

(6) The Minister may by regulations extend the matters to which this section applies so as to include other matters affecting the welfare of employed persons or any class of them.

PART IV

HEALTH, SAFETY AND WELFARE (SPECIAL PROVISIONS AND REGULATIONS)

Special provisions

Removal of dust or fumes.

63.—(1) In every factory in which, in connection with any process carried on, there is given off any dust or fume or other impurity of such a character and to such extent as to be likely to be injurious or offensive to the persons employed, or any substantial quantity of dust of any kind, all practicable measures shall be taken to protect the persons employed against inhalation of the dust or fume or other impurity and to prevent its accumulating in any workroom, and in particular, where the nature of the process makes it practicable, exhaust appliances shall be provided and maintained, as near as possible to the point of origin of the dust or fume or other impurity, so as to prevent its entering the air of any workroom.

(2) No stationary internal combustion engine shall be used unless—

(*a*) provision is made for conducting the exhaust gases from the engine into the open air; and

(*b*) the engine (except when used for the purpose of being tested) is so partitioned off from any workroom or part of a workroom in which persons are employed, other than persons attending to the engine, as to prevent any injurious fumes from the engine entering the air of the room or part of the room.

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Meals in certain dangerous trades.

64.—(1) Where in any room lead, arsenic or any other poisonous substance is so used as to give rise to any dust or fume, a person shall not be permitted to partake of food or drink in that room or to remain in that room during the intervals allowed to him for meals or rest other than intervals allowed in the course of a spell of continuous employment.

(2) Where in any room a process prescribed by regulations made by the Minister is carried on, being a process which gives rise to siliceous dust or asbestos dust, a person shall not be permitted to remain in that room during the intervals allowed to him for meals or rest other than intervals allowed in the course of a spell of continuous employment.

(3) Suitable provision shall be made for enabling the persons employed in any such room as is mentioned in subsections (1) and (2) of this section to take their meals elsewhere in the factory.

(4) Where it appears to the Minister that, by reason of the nature of any process, it is injurious to health or otherwise undesirable to take meals in rooms where that process is carried on or to remain therein during the intervals allowed for meals or rest, he may, if he thinks fit, by regulations extend all or any of the provisions of subsections (1) and (3) of this section to rooms where that process is carried on.

Protection of eyes in certain processes.

65. In the case of any such process as may be specified by regulations of the Minister, being a process which involves a special risk of injury to the eyes from particles or fragments thrown off in the course of the process, suitable goggles or effective screens shall, in accordance with any directions given by the regulations, be provided to protect the eyes of the persons employed in the process.

Shuttle threading by mouth suction.

66. The Minister may make such special regulations as appear to him to be reasonably practicable for extending the provision and use in factories in which the weaving of cotton or other cloth is carried on of shuttles which are not capable of being threaded or readily threaded by suction of the mouth, and any such regulations may impose duties on persons employed as well as on occupiers.

Prohibition of use of white phosphorus in manufacture of matches.

67.—(1) No person shall use white phosphorus in the manufacture of matches.

(2) In this Part of this Act "white phosphorus" means the substance usually known as white or yellow phosphorus.

Humid factories.

68.—(1) The occupier of every humid factory shall, on or before the first occasion on which artificial humidity is produced at that factory, give notice thereof in writing to the inspector for the district.

(2) The following provisions of this section shall have effect with respect to every humid factory with respect to which regulations under this Act concerning humidity are not for the time being in force.

(3) There shall be provided and maintained in every room in which artificial humidity is produced two hygrometers conforming to such conditions as regards construction and maintenance as may be prescribed, and—

(*a*) one of the hygrometers shall be fixed in the centre and the other at the side of the room, or in such other position as may be directed or sanctioned by an inspector, so as to be plainly visible to the persons employed;

(*b*) a copy of the table of humidity set out in the First Schedule to this Act, or such other table as may be substituted therefor by regulations of the Minister, shall be kept hung up near each hygrometer;

(*c*) the occupier or other person authorised for the purpose shall read the hygrometers between ten and eleven o'clock in the morning on every day on which any persons are employed in the room in the morning and between three and four o'clock in the afternoon on every day on which any persons are employed in the room in the afternoon, and when persons are employed before six o'clock in the morning or after eight o'clock in the evening, at such other times as may be directed by the inspector for the district, and shall enter the readings on a record, which shall be provided for each hygrometer in the prescribed form;

(*d*) the forms on which the readings of each hygrometer are recorded shall be kept hung up near the hygrometer, and when filled up shall be preserved at the factory for reference, and the entries recorded in the form shall be prima facie evidence of the humidity of the atmosphere and temperature in the factory.

(4) There shall be no artificial humidification in any room at any time when the reading of the wet bulb thermometer exceeds seventy-two and a half degrees, or, in the case of a room in which the spinning of cotton or the spinning of merino or cashmere by the French or dry process or the spinning or combing of wool by that process is carried on, eighty degrees.

(5) There shall be no artificial humidification in any room at any time when the difference between the readings of the dry and wet bulb thermometers is less than that indicated in the table of humidity.

(6) No water which is liable to cause injury to the health of the persons employed, or to yield effluvia, shall be used for

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artificial humidification, and for the purposes of this subsection any water which absorbs from acid solution of permanganate of potash in four hours at sixty degrees more than half a grain of oxygen per gallon of water shall be deemed to be liable to cause injury to the health of the persons employed.

(7) The chief inspector may direct in writing, in the case of any factory or any room in a factory, that only one hygrometer, fixed in such position as may be directed by an inspector, need be provided instead of two hygrometers fixed as mentioned in paragraph (*a*) of subsection (3) of this section.

(8) Where in respect of any room notice has been given in the prescribed manner to the inspector for the district that it is intended that the humidity of the atmosphere should never be greater than will maintain a difference of at least four degrees between the readings of the dry and wet bulb thermometers, the provisions of paragraphs (*c*) and (*d*) of subsection (3) of this section shall not apply as respects that room so long as at least that difference is maintained and a copy of the said notice is kept posted in the room.

Underground rooms.

69.—(1) The inspector for the district may certify any underground room as unsuitable for work other than work involved in the use of the room for the purpose of storage or such other purpose as the Minister may by order specify, and where such a certificate is in force with respect to any room no work for which it is certified as unsuitable shall be carried on in it.

(2) Where the inspector certifies as unsuitable any room which is in actual use, he shall suspend the operation of the certificate for such period as he considers reasonable with a view to enabling the occupier to render the room suitable or to obtain other premises.

(3) Except in the case of a room which on the first day of July, nineteen hundred and thirty-eight was part of a factory (within the meaning of the Factories Act, 1937, as originally enacted) and was used for work for which it may be certified as unsuitable under this section, the occupier of an underground room—

(*a*) shall, before the room is used for work for which it may be certified as unsuitable under this section, give notice in the prescribed form and containing the prescribed particulars to the inspector for the district; and

(*b*) shall not use the room for any such process as may be prescribed, being a process of a hot, wet or dusty nature or which is liable to give off any fume, without the consent in writing of the inspector for the district.

(4) If the occupier is aggrieved by any decision of an inspector under this section, he may, within twenty-one days of the date of issue of the certificate or the refusal of the consent, as the case may be, appeal to a magistrates' court, or, in Scotland, the sheriff, and, pending the final determination of an appeal against a decision under subsection (1) of this section in the case of a room in actual use, no offence shall be deemed to be committed under that subsection in respect of the room to which the appeal relates.

(5) In this section—

"underground room" means any room which, or any part of which, is so situate that at least half its height, measured from the floor to the ceiling, is below the surface of the footway of the adjoining street or of the ground adjoining or nearest to the room; and

"unsuitable" means unsuitable as regards construction, height, light or ventilation, or on any hygienic ground, or on the ground that adequate means of escape in case of fire are not provided.

(6) Any certificate issued under this section may be withdrawn by the inspector for the district if such alterations are made as in his opinion to render the room suitable.

Basement bakehouses.

70.—(1) Without prejudice to the provisions of section sixty-nine of this Act, a basement bakehouse shall not be used as a bakehouse unless it was so used at the date of the passing of the Factories Act, 1937, that is to say, the thirtieth day of July, nineteen hundred and thirty-seven, and a certificate of suitability had been issued in respect of it by the district council under an enactment repealed by that Act; and a basement bakehouse shall not be used as a bakehouse, notwithstanding that the foregoing conditions are satisfied, if, at any time since the commencement of that Act, that is to say, the first day of July, nineteen hundred and thirty-eight, it was not so used for a period exceeding twelve months.

(2) It shall be the duty of every district council to carry out every five years, beginning with the fifth year after that in which an examination under section fifty-four of the Factories Act, 1937, was last required before the commencement of this Act, an examination of every basement bakehouse in respect of which a certificate of suitability had been issued and—

(*a*) if as the result of the examination the council are not satisfied that the bakehouse is suitable for use as such as regards construction, height, light, ventilation, and any hygienic respect, they shall give notice in writing that the certificate shall cease to have effect at the expiration of such period not less than one month as may be specified in the notice, and the basement bakehouse shall not be used as a bakehouse after the expiration of that period; or

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(*b*) if the council are satisfied that the bakehouse is suitable as regards the matters aforesaid, they shall give notice in writing that the certificate shall continue to operate so long as the bakehouse may otherwise lawfully be used, but without prejudice to the power of the council to revoke the certificate as the result of a subsequent examination under this subsection.

(3) Where the district council give notice that the certificate of a basement bakehouse is to cease to have effect, the occupier may, within twenty-one days of the receipt of the notice, appeal to a magistrates' court or, in Scotland, the sheriff, and the court or sheriff, if satisfied that the bakehouse is suitable as regards the matters aforesaid, may by order direct that the certificate shall continue to operate as if a notice had been given under paragraph (*b*) of subsection (2) of this section or may by order extend the period at the expiration of which the certificate is to cease to have effect, and pending the final determination of the appeal the certificate shall continue to operate.

(4) In this section " basement bakehouse " means a bakehouse any baking room of which is so situate that the surface of the floor is more than three feet below the surface of the footway of the adjoining street, or of the ground adjoining or nearest to the room ; and " baking room " means any room used for baking, or for any process incidental thereto.

(5) The prohibition of the use of basement bakehouses under this section shall be enforced by the district council, and the provisions of Part I of this Act as to the power to act in default of a district council shall apply in the case of any default of the district council under this section.

Laundries.

71. In every laundry—

(*a*) effective steps shall be taken by means of a fan or otherwise to regulate the temperature in every ironing room and to carry away the steam in every washhouse ;

(*b*) all stoves for heating irons shall be so separated from any ironing room or ironing table as to protect the workers from the heat thereof ;

(*c*) no gas iron emitting any noxious fumes shall be used.

Lifting excessive weights.

72.—(1) A person shall not be employed to lift, carry or move any load so heavy as to be likely to cause injury to him.

(2) The Minister may make special regulations prescribing the maximum weights which may be lifted, carried or moved by persons employed in factories ; and any such regulations may relate either to persons generally or to any class of persons or to persons employed in any class or description of factory or in any process.

Prohibition of employment of female young persons where certain processes are carried on.

73.—(1) Where in any part of a factory—

(*a*) the process of melting, or of blowing glass other than lamp blown glass; or

(*b*) the process of annealing glass other than plate or sheet glass; or

(*c*) the evaporating of brine in open pans, or the stoving of salt,

is carried on, a female young person shall not be employed in that part of the factory.

(2) The Minister may by regulations extend this section to any process in which, on account of the special circumstances, it appears to him undesirable that female young persons should be employed, and, if he is satisfied that owing to a change in the circumstances in which any process specified in subsection (1) of this section is carried on the provisions of this section ought not to apply or ought to be relaxed with respect to that process, he may by regulations direct that this section shall, to such extent and subject to such conditions as may be specified in the regulations, cease to apply to that process.

Prohibition of employment of women and young persons in certain processes connected with lead manufacture

74. A woman or young person shall not be employed in any factory in any of the following operations:—

(*a*) work at a furnace where the reduction or treatment of zinc or lead ores is carried on;

(*b*) the manipulation, treatment or reduction of ashes containing lead, the desilverising of lead, or the melting of scrap lead or zinc;

(*c*) the manufacture of solder or alloys containing more than ten per cent. of lead;

(*d*) the manufacture of any oxide, carbonate, sulphate, chromate, acetate, nitrate, or silicate of lead;

(*e*) mixing or pasting in connection with the manufacture or repair of electric accumulators;

(*f*) the cleaning of workrooms where any of the processes aforesaid are carried on.

Provisions as to employment of women and young persons in processes involving use of lead compounds

75.—(1) A woman or young person shall not be employed in any factory in any process involving the use of lead compounds if the process is such that dust or fume from a lead compound is produced therein, or the persons employed therein are liable to be splashed with any lead compound in the course of their employment, unless the following provisions are complied with as respects all women and young persons employed—

(*a*) where dust or fume from a lead compound is produced in the process, provision shall be made for drawing the dust or fume away from the persons employed by means

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of an efficient exhaust draught so contrived as to operate on the dust or fume as nearly as may be at its point of origin;

(*b*) the persons employed shall undergo the prescribed medical examination at the prescribed intervals, and the prescribed record shall be kept with respect to their health;

(*c*) no food, drink or tobacco shall be brought into or consumed in any room in which the process is carried on, and no person shall be allowed to remain in any such room during meal times;

(*d*) suitable protective clothing in a clean condition shall be provided by the occupier and worn by the persons employed;

(*e*) such suitable cloak-room, mess-room and washing accommodation as may be prescribed shall be provided for the use of the persons employed;

(*f*) the rooms in which the persons are employed, and all tools and apparatus used by them, shall be kept in a clean state.

(2) It shall not be lawful to employ in any process involving the use of lead compounds any woman or young person who has been suspended after medical examination from employment in any such process on the ground that continuance therein would involve special danger to health.

(3) The method of ascertaining whether any compound or mixture is a lead compound within the meaning of this section shall be such as may be prescribed.

(4) In this section "prescribed" means prescribed by regulations made by the Minister, and "lead compound" means any soluble compound of lead which is declared by regulations of the Minister to be a lead compound for the purposes of this section, and includes a mixture containing any such compound, but does not include an alloy containing lead.

Special regulations for safety and health

Power to make special regulations for safety and health.

76.—(1) Where the Minister is satisfied that any manufacture, machinery, plant, equipment, appliance, process or description of manual labour is of such a nature as to cause risk of bodily injury to the persons employed or any class of those persons, he may, subject to the provisions of this Act, make such special regulations as appear to him to be reasonably practicable and to meet the necessity of the case.

(2) Special regulations so made may, among other things,—

(*a*) prohibit the employment of, or modify or limit the hours of employment of, all persons or any class of persons in

connection with any manufacture, machinery, plant, process, or description of manual labour; or

(*b*) prohibit, limit, or control the use of any material or process; or

(*c*) modify or extend with respect to any class or description of factory any provisions of Part I, Part II or this Part of this Act, being provisions imposing requirements as to health or safety;

and may impose duties on owners, employed persons and other persons, as well as on occupiers.

(3) Special regulations so made may apply to all factories or to any specified class or description of factory, and may provide for the exemption of any specified class or description of factory either absolutely or subject to conditions.

Supplementary provisions

Prohibition of importation and sale of materials and of articles made with prohibited materials.

77.—(1) It shall not be lawful to import into the United Kingdom matches made with white phosphorus.

(2) Where by any regulations made under this Act the use of any material or process is prohibited, Her Majesty may by Order in Council prohibit, either absolutely or subject to exemptions, the importation into the United Kingdom of the material or of any articles in the manufacture of which the material or process has been employed, and any such Order in Council may be varied or revoked by a subsequent Order in Council.

(3) Any person who sells or offers or exposes for sale, or has in his possession for purposes of sale, any article or material the importation of which is prohibited by or under this section, shall be guilty of an offence and shall, in addition to his liability in respect of the offence, forfeit any such article or material in his possession, and any article or material so forfeited shall be destroyed or otherwise dealt with as the court may think fit.

Power to take samples.

78.—(1) An inspector may at any time after informing the occupier or, if the occupier is not readily available, a foreman or other responsible person in the factory, take for analysis sufficient samples of any material in use or mixed for use in the manufacture of matches or of any substance used or intended to be used in a factory which is a substance in respect of which he suspects a contravention of any regulation made under this Part of this Act, or which in his opinion is likely or may prove on analysis to be likely to cause bodily injury to the persons employed.

(2) The occupier or the foreman or other responsible person may, at the time when a sample is taken under this section, and on providing the necessary appliances require the inspector

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to divide the sample into three parts, to mark and seal or fasten up each part in such manner as its nature permits, and—

(*a*) to deliver one part to the occupier, or the foreman or other responsible person;

(*b*) to retain one part for future comparison;

(*c*) to submit one part to the analyst;

and any analysis under this section shall, if so required, be carried out by a government department.

(3) A certificate purporting to be a certificate by the Government Chemist as to the result of an analysis of a sample under this section shall in any proceedings under this Act be admissible as evidence of the matters stated therein, but either party may require the person by whom the analysis was made to be called as a witness.

(4) It shall not be lawful for any person, except in so far as is necessary for the purposes of a prosecution for an offence under this Act, to publish or disclose to any person the results of an analysis made under this section, and if any person acts in contravention of this subsection, he shall be liable to a fine not exceeding one hundred pounds.

Restriction on approval of plans for cotton cloth factories.

79. No plans or sections relating to the erection or conversion of a building proposed to be used as a cotton cloth factory shall be approved by any local authority to whom they have been submitted in pursuance of any Act or of any byelaw made under any Act unless they are accompanied by a certificate in writing, issued by the superintending inspector of factories for the division in which the building is proposed to be erected or converted, certifying that the building to which the plans and sections relate would not, if erected or converted in accordance therewith, contravene regulations under this Act with respect to humidity in cotton cloth factories.

PART V

NOTIFICATION AND INVESTIGATION OF ACCIDENTS AND INDUSTRIAL DISEASES

Notification of accidents.

80.—(1) Where an accident in a factory—

(*a*) causes loss of life to a person employed in the factory; or

(*b*) disables any such person for more than three days from earning full wages at the work at which he was employed;

written notice of the accident, in the prescribed form and accompanied by the prescribed particulars, shall forthwith be sent to the inspector for the district, unless it is an accident

of which notice is sent in accordance with the requirements of the Explosives Act, 1875, or the Petroleum (Consolidation) Act, 1928.

(2) Where an accident causing disablement is notified under this section, and after notification thereof results in the death of the person disabled, notice in writing of the death shall be sent to the inspector for the district by the occupier of the factory as soon as the death comes to his knowledge.

(3) Where any accident to which this section applies occurs to a person employed and the occupier of the factory is not the actual employer of the person killed or injured, the actual employer shall, if he fails to report the accident to the occupier immediately, be guilty of an offence and liable to a fine not exceeding ten pounds.

Power to extend to dangerous occurrences provisions as to notice of accidents

81.—(1) If the Minister considers that, by reason of the risk of serious bodily injury to persons employed, it is expedient that notice should be given under section eighty of this Act in every case of any special class of explosion, fire, collapse of buildings, accidents to machinery or plant or other occurrences in a factory, he may by regulations extend the provisions of that section to any such class of occurrences, whether death or disablement is caused or not.

(2) The Minister may by any such regulations allow the required notice of any occurrence to which the regulations relate, instead of being sent forthwith, to be sent within the time limited by the regulations.

Notification of industrial diseases.

82.—(1) Every medical practitioner attending or called in to visit a patient whom he believes to be suffering from lead, phosphorus, arsenical or mercurial poisoning, or anthrax, contracted in any factory, shall (unless such a notice has been previously sent) forthwith send addressed to "The Chief Inspector of Factories, Ministry of Labour, London" a notice stating the name and full postal address of the patient and the disease from which, in the opinion of the medical practitioner, the patient is suffering, and the name and address of the factory in which he is or was last employed, and shall be entitled in respect of every notice sent in pursuance of this section to a fee of two shillings and sixpence, to be paid as part of the expenses incurred by the Minister in the execution of this Act.

(2) If, in contravention of the provisions of this section, any medical practitioner fails to send any notice in accordance with the requirements thereof, he shall be liable to a fine not exceeding four pounds.

(3) Written notice of every case of lead, phosphorus, or arsenical or mercurial poisoning or anthrax occurring in a

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factory shall forthwith be sent by the occupier in the prescribed form and accompanied by the prescribed particulars to the inspector for the district and to the appointed factory doctor; and the provisions of this Act with respect to the notification of accidents shall apply to any such case in like manner as to any such accident as is mentioned in those provisions.

(4) The Minister may, as respects all factories or any class or description of factory, by regulations apply the provisions of this section to any disease other than those mentioned in this section.

Inquest in case of death by accident or industrial disease.

83.—(1) Where a coroner holds an inquest on the body of any person whose death may have been caused by any accident or disease of which notice is required by this Act to be given, the coroner shall adjourn the inquest unless an inspector or some person on behalf of the Minister is present to watch the proceedings, and shall, at least four days before holding the adjourned inquest, send to the inspector for the district notice in writing of the time and place of the adjourned inquest; but—

(*a*) the coroner, before the adjournment, may take evidence to identify the body, and may order its interment; and

(*b*) if the inquest relates to the death of not more than one person, and the coroner has sent to the inspector notice of the time and place of the inquest at such time as to reach the inspector not less than twenty-four hours before the time of the inquest, he need not adjourn the inquest if the majority of the jury think the adjournment unnecessary.

(2) The following provisions shall have effect with respect to any such inquest:—

(*a*) no person having a personal interest in or employed in or about or in the management of the factory in or about which the accident occurred or the disease was contracted shall be qualified to serve on the jury and the constable or other officer shall not summon any person disqualified under this provision and the coroner shall not allow any such person to be sworn or to sit on the jury;

(*b*) the following persons shall, subject to the power of the coroner to disallow any question which in his opinion is not relevant or is otherwise not a proper question, be entitled to examine any witness either in person or by counsel, solicitor or agent, that is to say, an inspector, any relation of the person in respect of whose death the inquest is being held, the occupier of the factory, any person appointed by the order in

writing of the majority of the persons employed in the factory, and any person appointed in writing by any trade union, friendly society or other association of persons to which the deceased at the time of his death belonged or to which any person employed in the factory belongs, or by any association of employers of which the occupier is a member.

(3) Where evidence is given at any such inquest at which an inspector is not present of any neglect as having caused or contributed to the accident or disease, or of any defect in or about the factory appearing to the coroner or jury to require a remedy, the coroner shall send to the inspector for the district notice in writing of the neglect or defect.

Power to direct formal investigation of accidents and cases of disease.

84.—(1) The Minister may, where he considers it expedient to do so, direct a formal investigation to be held into any accident occurring or case of disease contracted or suspected to have been contracted in a factory and of its causes and circumstances, and the following provisions of this section shall have effect with respect to any such investigation.

(2) The Minister may appoint a competent person to hold the investigation, and may appoint any person possessing legal or special knowledge to act as assessor in holding it.

(3) The person or persons so appointed (in this section referred to as " the court ") shall hold the investigation in open court in such manner and under such conditions as the court may think most effectual for ascertaining the causes and circumstances of the accident or case of disease, and for enabling the court to make the report required by this section.

(4) The court shall have for the purposes of the investigation all the powers of a magistrates' court when trying informations for offences under this Act (or, in Scotland, all the powers of a court of summary jurisdiction when hearing complaints in respect of such offences) and all the powers of an inspector under this Act, and, in addition, power—

(*a*) to enter and inspect any place or building the entry or inspection of which appears to the court requisite for the purposes of the investigation ;

(*b*) by summons or, in Scotland, order, signed by the court to require the attendance of all such persons as the court thinks fit to call before it and examine and to require answers or returns to such inquiries as it thinks fit to make ;

(*c*) to require the production of all books, papers and documents which it considers important for the purposes of the investigation ;

(*d*) to administer an oath and require any person examined to make and sign a declaration of the truth of the statements made by him in his examination.

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(5) Persons attending as witnesses before the court shall be allowed such expenses as would be allowed to witnesses attending before a court of record or, in Scotland, to witnesses attending an inquiry under the Fatal Accidents Inquiry (Scotland) Act, 1895; and in case of dispute as to the amount to be allowed, the dispute shall be referred by the court to a master of the Supreme Court or, in Scotland, the auditor of the sheriff court, and the master or auditor shall, on request signed by the court, ascertain and certify the proper amount of the expenses.

(6) The court shall make a report to the Minister stating the causes and circumstances of the accident or case of disease and its circumstances, and adding any observations which the court thinks right to make.

(7) The court may require the expenses incurred in and about the investigation (including the remuneration of any persons appointed to act as assessors) to be paid in whole or part by any person summoned before it who appears to the court to be, by reason of any act or default on his part or on the part of any servant or agent of his, responsible in any degree for the occurrence of the accident or case of disease, but any such expenses not required to be so paid shall be deemed to be part of the expenses of the Minister in the execution of this Act.

(8) Any person who without reasonable excuse (proof whereof shall lie on him) either fails, after having had the expenses (if any) to which he is entitled tendered to him, to comply with any summons, order or requisition of the court, or prevents or impedes the court in the execution of its duty, shall be guilty of an offence, and liable to a fine not exceeding twenty pounds, and, in the case of a failure to comply with a requisition for making any return or producing any document, if the failure in respect of which he was convicted is continued after the conviction, he shall (subject to the provisions of section one hundred and fifty-seven of this Act) be guilty of a further offence and liable to a fine not exceeding twenty pounds for every day on which the failure was so continued.

(9) The Minister may cause the report of the court to be made public at such time and in such manner as he thinks fit.

(10) Where an investigation under subsection (1) of this section is directed to be held into an accident in Scotland which causes the death of any person, no inquiry with regard to that death shall, unless the Lord Advocate otherwise directs, be held in pursuance of the Fatal Accidents Inquiry (Scotland) Act, 1895.

Duty of appointed factory doctor to investigate and report in certain cases.

85.—(1) It shall be the duty of the appointed factory doctor to investigate and report upon—

(*a*) cases of death or injury caused by exposure in a factory to fumes or other noxious substances, or due to any other special cause specified in instructions of the Minister as requiring investigation; and

(*b*) any case of death or injury which the inspector for the district in pursuance of any general or special instructions of the Minister may refer to him for that purpose; and

(*c*) any case of disease of which he receives notice under this Act.

(2) The appointed factory doctor, for the purpose of an investigation under this section, shall have the like powers as an inspector, including power to enter any room in a building to which the person killed, injured, or affected has been removed.

PART VI

EMPLOYMENT OF WOMEN AND YOUNG PERSONS

Hours and Holidays

General conditions as to hours of employment of women and young persons.

86. Subject to the provisions of this Part of this Act, the hours worked, the period of employment, and the intervals for meals and rest, for every woman or young person employed in a factory shall conform to the following conditions, namely:—

(*a*) the total hours worked, exclusive of intervals allowed for meals and rest, shall neither exceed nine in any day nor exceed forty-eight in any week;

(*b*) the period of employment shall not exceed eleven hours in any day and shall neither begin earlier than seven o'clock in the morning nor end later than six o'clock in the evening in the case of young persons who have not attained the age of sixteen, or in other cases eight o'clock in the evening, or, on Saturday, one o'clock in the afternoon;

(*c*) a woman or young person shall not be employed continuously for a spell of more than four and a half hours without an interval of at least half an hour for a meal or rest, so, however, that where an interval of not less than ten minutes is allowed in the course of a spell, the spell may be increased to five hours;

(*d*) the period of employment and intervals allowed for meals and rest in accordance with the foregoing provisions of this section shall be the same for all women and young persons employed in the factory, except that the period of employment may end at an earlier hour for young persons who have not attained the age of sixteen;

(*e*) no woman or young person shall be employed during any such interval allowed for meals or rest.

Weekly hours of work of young persons under 16.

87.—(1) Subject to the provisions of this section, paragraph (*a*) of section eighty-six of this Act shall have effect, in the case of young persons who have not attained the age of sixteen, as if for the reference to forty-eight hours there were substituted a reference to forty-four hours.

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(2) If representations are made to the Minister with respect to any class or description of factory—

(*a*) that the industry carried on in that class or description of factory is, either generally or as respects a particular process, so dependent on the employment of young persons who have not attained the age of sixteen and so organised that the carrying on of the industry would be seriously prejudiced unless the number of hours worked in a week by such young persons employed in that industry or in that process were permitted to exceed forty-four;

(*b*) that such increased hours would not be likely to be injurious to the health of the young persons; and

(*c*) that the work in which the young persons would be employed in that industry or process is particularly suitable for young persons, and that their employment would familiarise them with, and help to train them for employment in, processes in which older persons are employed in the industry, and be likely to lead to their permanent employment in the industry;

the Minister may direct an inquiry to be held, and if, as a result of the inquiry, he is satisfied with respect to all those matters, he may make regulations increasing the total hours, exclusive of intervals allowed for meals and rest, that may be worked by such young persons in any week in that class or description of factory, or, as the case may be, in a particular process carried on therein, to such figure, not exceeding forty-eight, as may be specified in the regulations.

(3) Paragraph 5 of the Fourth Schedule to this Act shall apply, with such adaptations as may be prescribed, to any inquiry held under this section.

(4) The Minister may, as respects factories, or any class or description of factory, in which the number of hours permitted to be worked in any week by young persons who have not attained the age of sixteen is less than forty-eight, by regulations make such modifications of this Part of this Act, and make such provision as to the period of employment of such young persons and the intervals allowed to them for meals and rest, as he considers necessary or expedient for regulating the arrangement of the hours to be worked by such young persons.

Notice fixing hours of employment.

88.—(1) The occupier shall fix within the limits allowed by the foregoing provisions of this Part of this Act and shall specify in a notice in the prescribed form, which shall be posted in the factory—

(*a*) the period of employment for each day of the week for the women and young persons employed in the factory;

(*b*) the intervals allowed for meals or rest to those women and young persons;

and, subject to the provisions of this Part of this Act with respect to overtime and to the exceptions allowed under this Part of this Act, no woman or young person shall be employed otherwise than in accordance with the notice.

(2) Different periods of employment and different intervals may be fixed for different days of the week.

(3) A change in the said periods or intervals shall not be made until the occupier has served on the inspector for the district, and posted in the factory, notice of his intention to make the change, and shall not be made oftener than once in three months, unless for special cause allowed in writing by the inspector.

(4) Where an inspector, by notice in writing, names a public clock, or some other clock open to public view, for the purpose, the period of employment and the intervals allowed for meals or rest in that factory shall be regulated by that clock.

Overtime employment of women and young persons over sixteen.

89.—(1) Notwithstanding the provisions of this Part of this Act relating to hours worked and periods of employment, pressure of work in any factory may be dealt with by the overtime employment of women and young persons who have attained the age of sixteen, but the overtime for the factory shall not exceed in the aggregate one hundred hours in any calendar year or six hours in any week and shall not take place in the factory in more than twenty-five weeks in any calendar year.

(2) The overtime employment of a woman or young person shall be subject to the following conditions:—

(*a*) the total hours worked by the woman or young person, exclusive of intervals allowed for meals and rest, shall not exceed ten on any day;

(*b*) the period of employment for the woman or young person shall not exceed twelve hours in any day and shall not extend outside the hours specified in this Part of this Act for the beginning and end of the period of employment, except that in the case of women it may extend to nine o'clock in the evening on weekdays other than Saturday.

(3) Where the occupier of a factory allows to any women or young persons who are to be employed overtime on any day an interval for a meal or rest in addition to any interval fixed for the day by a notice under this Part of this Act, he may employ during that interval any women or young persons who are not to be employed overtime on that day, but save as aforesaid the provisions of this Part of this Act relating to continuous

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employment and intervals for meals or rest shall apply to overtime employment in like manner as they apply to other employment.

(4) If the Minister is satisfied that overtime employment of young persons, in accordance with the foregoing provisions of this section, in any process will prejudicially affect the health of the young persons, or any class of them, he may by regulations either prohibit the overtime employment in that process of those young persons, or that class of them, or make such further restrictions as to the amount of such overtime employment or otherwise as he thinks fit.

(5) If representations are made to the Minister with respect to any class or description of factory that, having regard to the particular circumstances and conditions affecting the industry carried on therein, the overtime employment allowed under this section can be reduced without serious detriment to that industry, the Minister may, after consultation with any such association of occupiers or employed persons and any such joint industrial council, wages council or similar body as appears to him to be affected, direct an inquiry to be held, and if he is satisfied, as the result of the inquiry, that the overtime employment can be reduced without serious detriment to the industry, he may by regulations make such modifications in the provisions of this section, in their application to the class or description of factory aforesaid, as will secure the reduction of the amount of overtime employment of women and young persons, or of young persons, employed therein.

Paragraph 5 of the Fourth Schedule to this Act shall apply, with such adaptations as may be prescribed, to any inquiry held under this subsection.

(6) Where the Minister is satisfied that work in any class or description of factory is subject to seasonal or other special pressure, he may by regulations as respects that class or description of factory—

(*a*) increase for women, or for women employed in any specified process, during any period of such pressure, the hours of work and the period of employment allowed in a day under this section, but only for such number of weeks, not exceeding eight, in any year as may be specified in the regulations;

(*b*) increase the hours of overtime employment allowed for a factory under this section in a calendar year to an aggregate not exceeding one hundred and fifty hours, subject to the condition that young persons shall not be employed during more than one hundred of the hours of overtime employment allowed for the factory.

(7) The Minister may increase the aggregate number of hours of overtime employment allowed for a factory under this section

in any week or the number of weeks in any calendar year in which overtime employment can take place—

(*a*) by regulations as respects any class or description of factory, if he is satisfied that owing to the exigencies of the trade carried on the increase is necessary;

(*b*) by order as respects any factory, if he is satisfied that the increase is necessary by reason of unforeseen pressure of work due to sudden orders, or by reason of a breakdown of machinery or plant or other unforeseen emergency.

(8) For the purposes of this section, the employment of persons in different parts of a factory or the employment of different sets of persons in different processes may, subject to such conditions as the Minister may by regulations prescribe, be treated, for the purpose of reckoning hours of overtime employment or the number of weeks in which overtime employment can take place, as if it were employment in different factories.

(9) If the Minister is satisfied that the nature of the business carried on in any class or description of factory involves the overtime employment of different persons on different occasions to such an extent that the provisions of this section limiting overtime employment by reference to the factory would, as respects a substantial number of factories of that class or description, be unreasonable or inappropriate, he may by regulations provide that any factory of that class or description may, in lieu of complying with the said provisions, comply with such provisions limiting overtime employment by reference to the individual as may be specified in the regulations, and such provisions shall secure—

(*a*) that no woman shall be employed overtime in the factory for more than seventy-five hours, and no young person for more than fifty hours, in any calendar year; and

(*b*) that no woman or young person shall, except as otherwise provided in the regulations, be employed overtime in the factory for more than six hours in any week or in more than twenty-five weeks in any calendar year.

(10) In this Part of this Act "overtime employment" means, in relation to any woman or young person, any period during which that woman or young person is at work in the factory outside the period of employment fixed for the day for that woman or young person by a notice under this Part of this Act; and for the purposes of this Part of this Act—

(*a*) in calculating hours of overtime employment any fraction of an hour less than half an hour shall be treated as half an hour and any fraction of an hour greater than half an hour shall be treated as an hour; and

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(*b*) in reckoning for any factory, part of a factory, or set of persons, the aggregate hours of overtime employment or the number of weeks in which overtime employment can take place, account shall be taken of every period during which any woman or young person is employed overtime in that factory, part or set.

Supplementary provisions as to overtime.

90.—(1) Before employing any woman or young person overtime on any day, the occupier of the factory shall send in writing to the inspector for the district and enter in the prescribed register such particulars of the overtime employment as may be prescribed, including particulars of any interval for a meal or rest to be allowed under subsection (3) of section eighty-nine of this Act.

(2) The occupier of any factory in which women or young persons are employed overtime shall cause a notice containing the prescribed particulars to be kept posted in the factory during such time as may be prescribed.

Restriction of employment inside and outside factory on same day.

91.—(1) Subject to subsection (2) of this section, a woman or young person shall not during any interval allowed to that woman or young person for a meal or rest, or during any time not included in the period of employment fixed by a notice under this Part of this Act, be employed outside the factory, in the business of the factory or in any other business carried on by the occupier, on any day during which the woman or young person is employed in the factory.

(2) A woman or a young person who has attained the age of sixteen may be so employed in a shop outside the period of employment, but any such employment shall be treated for the purposes of this Part of this Act (including the provisions relating to overtime employment) as employment in the factory.

(3) For the purposes of this section a woman or young person to or for whom any work is given out or who takes out any work to be done by her or him outside the factory shall be deemed to be employed outside the factory on the day on which the work is given or taken out.

Prohibition of use of rooms during intervals.

92. Subject to the exceptions allowed under this Part of this Act, a woman or young person shall not during any part of the intervals allowed to that woman or young person for meals or rest be allowed to remain in a room in which a process is then being carried on.

Prohibition of Sunday employment.

93. Subject to the exceptions allowed under this Part of this Act, a woman or young person shall not be employed on Sunday in a factory nor shall a woman or young person employed in a factory on any other day of the week be employed on Sunday about the business of the factory or in any other business carried on by the occupier.

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Annual holidays.

94.—(1) Subject to the exceptions allowed under this Part of this Act, the occupier of a factory shall allow the whole of each of the following days as a holiday in each year to every woman and young person employed in the factory.

(2) In England, the said days are, subject to subsection (4) of this section, Christmas Day, Good Friday and every bank holiday.

(3) In Scotland, the said days are six weekdays fixed by the occupier and notified in each case by means of a notice posted in the factory throughout not less than three weeks before the day; except that in burghs two of those days, which shall not be less than three months apart, shall be fixed by the town council.

(4) The occupier may by notice posted in the factory throughout not less than three weeks before any of the days specified in subsection (2) of this section substitute for it some other week-day specified in the notice.

(5) At least half of the days to be allowed in any year as holidays under this section shall be allowed between the fifteenth day of March and the first day of October.

(6) Subject to the exceptions allowed under this Part of this Act, a woman or young person shall not be employed in a factory on a holiday fixed by or in pursuance of this section for that factory, and a woman or young person employed in any factory shall not be employed on such a holiday about the business of the factory or in any other business carried on by the occupier.

Restriction on application of foregoing provisions of Part VI

Women holding positions of management.

95. The foregoing provisions of this Part of this Act do not apply to women holding responsible positions of management who are not ordinarily engaged in manual work.

Power to suspend certain provisions in emergency.

96. The Minister may, in the event of accident, or breakdown of machinery or plant, or other unforeseen emergency, by order suspend, as respects any factory, any of the provisions of this Part of this Act as to hours and holidays for such period as may be specified in the order, but so far only as may be necessary to avoid serious interference with the ordinary working of the factory and not so as to conflict with any enactment which gives effect to an international convention restricting the employment of women or young persons in factories.

Exceptions

Power to authorise employment in shifts.

97.—(1) The Minister may, upon the application of the occupier of any factory, authorise in the factory or part of the factory the employment of women and of young persons who have attained the age of sixteen on a system of shifts whereby each shift may be employed between such times as may be specified in the authorisation.

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(2) The time that may be so specified as the beginning of the period of employment for a shift shall be not earlier than six o'clock in the morning, and the time that may be so specified as the end of such a period shall be not later than ten o'clock in the evening on a weekday other than Saturday and two o'clock in the afternoon on a Saturday.

(3) The system of shifts that may be authorised under this section shall be such that the hours for each shift shall not exceed an average of eight hours a day except that, where the work or process for which the system is authorised is not carried on on more than five days in each week, the hours for each shift may exceed that average but in that case must not exceed ten hours on any day, nor forty-eight hours in a week nor eighty-eight hours in a period of two weeks.

(4) The Minister shall by regulations make provision as to the manner in which workpeople concerned are to be consulted, and for the ascertainment of their opinions by secret ballot before any application is granted under this section, and shall not grant such an application, except in the case mentioned in subsection (5) of this section, unless satisfied that the requirements of the regulations have been complied with and that the majority of the workpeople concerned consent to the granting of the application.

(5) Where the Minister is satisfied that an application under this section relates to a factory which is about to be, or has recently been, newly established and that the system of shifts is intended to be permanently adopted therein for the employment of women and of young persons who have attained the age of sixteen, the application may be granted without any such consultation, ballot or consent as aforesaid.

(6) If upon an application under this section it appears to the Minister that the employment of women and young persons in accordance with the application is required only for the purpose of making provision for a temporary emergency or a temporary pressure of work which is not of a seasonal and recurring character, any authorisation given by him on the application shall be limited to such period as appears to him to be necessary for the purpose but may, if necessary, be subsequently extended by him if the temporary emergency or temporary pressure of work continues.

(7) In granting any application under this section the Minister shall impose such conditions as he considers necessary for the purpose of safeguarding the welfare and interests of the persons employed on the system of shifts, and in considering any such conditions shall, in particular, consider the expediency of requiring the provision of suitable accommodation for clothing and of facilities for meals and of transport facilities for workers residing at a distance and, in the case of young persons, of reasonable facilities for attending courses of further education.

(8) The Minister may direct that the duty of dealing with applications for such temporary purposes as are mentioned in subsection (6) of this section may be performed by the chief inspector of factories or by any superintending inspector of factories, and while such a direction is in force references in this section to the Minister shall, in relation to such applications, be construed as including references to the inspector; but no authorisation given by an inspector shall be given or extended so as to have effect for more than six months.

Revocation of authorisation under s. 97.

98.—(1) Where it appears to the Minister that any conditions imposed upon the granting of any authorisation under section ninety-seven of this Act have not been complied with or that abuses of any description have arisen out of the employment of any persons on the system of shifts, he may revoke the authorisation.

(2) Whenever in any factory or part of a factory the employment of women and young persons on a system of shifts in accordance with an authorisation given under section ninety-seven of this Act is discontinued, or is, after being discontinued, resumed, the occupier of the factory shall forthwith give notice in writing of the discontinuance or resumption to the inspector of factories for the district in which the factory is situated, and if he fails to do so he shall be liable to a fine not exceeding five pounds.

(3) If in any factory or part of a factory for which such an authorisation has been given, a period exceeding twelve months has at any time elapsed throughout which the employment of women and young persons on a system of shifts in accordance with the authorisation has not been in operation, the Minister may revoke the authorisation, and if such employment has not been in operation for a period exceeding twenty-four months the authorisation shall be deemed to be revoked.

Employment of male young persons in shifts in certain industries.

99.—(1) In the industries and processes to which this section applies male young persons who have attained the age of sixteen may be employed on a system of shifts outside the hours specified in this Part of this Act as the beginning and the end of the period of employment of such persons, if the employment is on work which is by reason of the nature of the process required to be carried on continuously day and night and the conditions specified in subsection (3) of this section and such other conditions as the Minister may for the purpose of safeguarding the welfare and interests of those persons by regulations direct are complied with.

(2) The period of employment for any such shift may end on Sunday morning not later than six o'clock or begin on Sunday evening not earlier than ten o'clock, and where the young persons are employed on a system of four shifts with turns of

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not more than eight hours for each shift, they may be employed in such shifts between six o'clock in the morning and ten o'clock in the evening on Sundays.

(3) The conditions to be complied with in any employment authorised by this section shall include the following:—

(*a*) the number of turns worked by any young person shall not exceed six in any week;

(*b*) the interval between successive turns of any young person shall not be less than fourteen hours; and

(*c*) no young person shall, in two consecutive weeks, be employed between midnight and six o'clock in the morning;

but the Minister may by regulations modify the conditions contained in this subsection as respects young persons employed on a system of four shifts and young persons employed in the manufacture of glass.

(4) A young person who is taken into employment in accordance with the foregoing provisions of this section in any factory and has been examined by the appointed factory doctor and certified by him as fit for the employment in accordance with regulations under section one hundred and eighteen of this Act shall be re-examined at such intervals not exceeding six months as may be prescribed by the regulations.

(5) Male young persons who have attained the age of sixteen may, in the industries and processes to which this section applies, be employed on weekdays between six o'clock in the morning and ten o'clock in the evening on a system of shifts, subject to the conditions specified in subsection (3) of this section and such other conditions as the Minister may, for the purpose of safeguarding their welfare and interests, by regulations direct.

(6) The hours worked by young persons employed in accordance with the foregoing provisions of this section may exceed forty-eight in any week, but shall not exceed fifty-six in any week nor one hundred and forty-four in any period of three weeks.

(7) The provisions of this Part of this Act with respect to the overtime employment of women and young persons shall not apply to any young persons employed in accordance with the foregoing provisions of this section.

(8) The industries and processes to which this section applies are—

the smelting of iron ore;

the manufacture of wrought iron, steel or tin-plate;

processes in which reverberatory or regenerative furnaces, necessarily kept in operation day and night in order to avoid waste of material and fuel, are used in connection with the smelting of ores, metal rolling, forges,

or the manufacture of metal tubes or rods, or in connection with such other classes of work as may be specified by regulations of the Minister;

the galvanising of sheet metal or wire (except the pickling process);

the manufacture of paper;

the manufacture of glass.

Exception for factories operating the five-day week.

100.—(1) In any factory conducted on the system of employing women and young persons on not more than five days a week, the total hours worked in any day may extend to ten and the period of employment in any day may extend to twelve hours and, in the case of women and of young persons who have attained the age of sixteen, the total hours worked in any day may be further extended by overtime employment to ten and a half.

(2) An occupier may, notwithstanding that he avails himself of this exception, employ women and young persons who have attained the age of sixteen on a sixth day in any week subject to the conditions that—

(*a*) the total hours worked on that day do not exceed four and a half; and

(*b*) no woman or young person is employed overtime on any other day in that week;

and any such employment as aforesaid on the sixth day shall be deemed for the purposes of the foregoing provisions of this Part of this Act to be overtime employment, and this exception shall not cease to apply to the factory by reason only of such employment.

Exception as to hour of commencement of period of employment.

101. Where the Minister is satisfied that the exigencies of the trade carried on in a factory or class or description of factory or the convenience of the persons employed therein so require, he may,

(*a*) in the case of any class or description of factory, by regulations; and

(*b*) in the case of any factory, by order;

allow the period of employment for women and young persons as respects the factory or any part of the factory or any set of persons employed therein to begin either during the whole year or during any part of the year at an hour earlier than seven o'clock in the morning but not earlier than six o'clock in the morning.

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Exception as to simultaneous hours for meals and rest.

102.—(1) Subject to such conditions as the Minister may by regulations prescribe, the provisions of this Part of this Act which require that all the women and young persons employed in a factory shall have the intervals allowed for meals or rest at the same hour of the day shall not apply—

(*a*) to persons employed in any process on which by reason of the nature thereof work requires to be carried on continuously; or

(*b*) to different sets of persons employed on different processes, or to different sets of persons necessarily divided into sets for the purpose of taking meals in a mess room or canteen provided and maintained by the occupier to the satisfaction of the inspector for the district, or to such different sets of persons as may be approved by the inspector.

(2) The Minister may by regulations except any class or description of factory or parts of factories from the provisions aforesaid on being satisfied that it is necessary by reason of any special circumstances to except factories of that class or description or those parts thereof from those provisions.

Exception as to employment during intervals.

103. The provisions of this Part of this Act with respect to the prohibition of employment during any interval allowed for meals or rest and the prohibition of the use of certain rooms during such intervals shall not apply to any male young persons employed in the manufacture of wrought iron, steel or tin-plate, paper or glass.

Exception as to use of rooms during intervals.

104.—(1) Subject to such conditions as the Minister may by regulations prescribe, the provisions of this Part of this Act with respect to the prohibition of the use of rooms during intervals allowed for meals or rest shall not apply—

(*a*) where persons are employed in any process on which by reason of the nature thereof work requires to be carried on continuously; or

(*b*) where different sets of persons have different intervals for meals or rest; or

(*c*) as respects any interval allowed in the course of a spell of continuous employment.

(2) The Minister may by regulations except any class or description of factory or parts of factories from the said provisions on being satisfied that it is necessary by reason of any special circumstances to except factories of that class or description or those parts thereof from those provisions.

Exception as to continuous employment of male young persons employed with men.

105. The provisions of this Part of this Act forbidding the continuous employment of a young person for a spell of more than four and a half hours without an interval of at least half an hour shall, in the case of male young persons who have attained the age of sixteen and are employed with men and whose continuous employment is necessary to enable the men to carry on their work, have effect, as respects any spell commencing in the morning, as if five hours were substituted for four and a half hours as the length of the spell for which they may be employed continuously.

Exception as to male young persons employed on repairing work.

106.—(1) Subject to such conditions as the Minister may by regulations prescribe, the provisions of this Part of this Act with respect to general conditions as to hours of employment of women and young persons, notices fixing hours of employment, overtime employment of women and young persons, prohibition of use of rooms during intervals, prohibition of Sunday employment, and annual holidays, shall not apply to male young persons employed as part of the regular maintenance staff of a factory or by a contractor, in repairing any part of the factory or any machinery or plant therein.

(2) No notice shall be required to be served or posted by any occupier availing himself of this exception.

Exception as to Saturday.

107.—(1) Where it is proved to the satisfaction of the Minister that the customs or exigencies of the trade carried on in any class or description of factory require some other day in the week to be substituted for Saturday as the short day, he may, by regulations, grant to factories of that class or description an exception authorising the occupier of every such factory to substitute some other day for Saturday, and in that case this Part of this Act shall apply in the factory as if the substituted day were Saturday, and Saturday were an ordinary work day.

(2) Regulations made under this section as respects newspaper printing offices, or as respects factories in which the work by reason of its nature requires to be carried on on six full working days in the week, may authorise the substitution of some other day for Saturday in respect of some of the women and young persons employed therein.

Exception as to holidays on different days for different sets.

108. Where it is proved to the satisfaction of the Minister that the customs or exigencies of the trade carried on in any class or description of factory so require, he may by regulations grant to factories of that class or description an exception authorising the occupier of every such factory to allow all or any of the annual whole holidays on different days to any of the women and young persons employed therein, or to any sets of those women and young persons, instead of on the same days.

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Exception as to Sundays and Saturdays in Jewish factories.

109.—(1) Where the occupier of a factory is a person of the Jewish religion, or a member of any religious body regularly observing the Jewish Sabbath, a woman or young person who is a person of the Jewish religion or a member of such a religious body as aforesaid may be employed on Sunday, subject to the condition that the factory must be closed on Saturday and must not be open for business on Sunday.

(2) Where the occupier avails himself of this exception, this Part of this Act shall, as respects women and young persons who are persons of the Jewish religion or members of such a religious body as aforesaid, apply to the factory in like manner as if in the provisions thereof respecting Sunday the word Saturday were substituted for Sunday, and in the provisions thereof respecting Saturday, the word Sunday, or, if the occupier so elects, the word Friday, were substituted for Saturday.

(3) For the purposes of this section, a factory occupied by a partnership or company shall be deemed to be occupied by a person of the Jewish religion or a member of a religious body regularly observing the Jewish Sabbath if the majority of the partners or of the directors of the company are persons of the Jewish religion or, as the case may be, members of any such religious body as aforesaid, but not otherwise.

Exception as to laundries.

110.—(1) For the purpose of meeting without overtime employment pressure of work recurring on particular days of the week, the total hours worked in a day by women in laundries may, on two week days other than Saturday in any week, extend to ten hours, and the period of employment on those days may extend to twelve hours and may begin at any time not earlier than six o'clock in the morning and end at any time not later than nine o'clock in the evening; but nothing in this subsection shall affect the provisions of this Part of this Act with respect to the total hours worked in a week.

(2) The Minister may, as regards factories of which the occupiers avail themselves of this exception, by regulations make such modifications in the provisions of this Part of this Act which require that the period of employment and intervals allowed for meals and rest shall be the same for all women and young persons, and that no woman or young person shall be employed during any such interval, as appear to him to be necessary or expedient.

Exception as to manufacture of bread or flour confectionery or sausages.

111.—(1) For the purpose of meeting without overtime employment pressure of work recurring on particular days of the week, the total hours worked in a day by women in the manufacture of bread or flour confectionery (including meat and fruit pies) or sausages may on two days other than Saturday in any week extend to ten hours, and the period of employment on those days may extend to twelve hours and may begin

at any time not earlier than six o'clock in the morning and end at any time not later than nine o'clock in the evening; but nothing in this subsection shall affect the provisions of this Part of this Act with respect to the total hours worked in a week.

(2) The Minister may, as regards factories of which the occupiers avail themselves of this exception, by regulations make such modifications in the provisions of this Part of this Act which require that the period of employment and intervals allowed for meals and rest shall be the same for all women and young persons, and that no women or young persons shall be employed during any such interval, as appear to him to be necessary or expedient.

Exception as to preserving of fish, fruit and vegetables.

112.—(1) Subject to such conditions as the Minister may by regulations prescribe, the provisions of this Part of this Act with respect to the general conditions as to hours of employment of women and young persons, notices fixing hours of employment, overtime employment of women and young persons, prohibition of use of rooms during intervals, prohibition of Sunday employment, and annual holidays shall not apply to the employment of women and of young persons who have attained the age of sixteen in processes connected with—

(*a*) the preserving, canning or curing of fish or the preparing of fish for sale; or

(*b*) the preserving or canning of fruit or vegetables during the months of June, July, August and September;

where such processes require to be carried out without delay in order to prevent goods from being spoiled.

(2) Where an occupier avails himself of this exception, the notice required to be served and posted by him under section one hundred and fifteen of this Act need not, except in so far as regulations under this section so require, specify the period of employment or the intervals to be allowed for meals or rest.

Exception as to factories where milk is treated.

113.—(1) In the case of factories, or any class or description of factory, in which cream, butter, cheese, milk powder, condensed milk or any other milk product is made or fresh milk or cream is sterilised or otherwise treated before being sold as such, the Minister may make regulations varying the provisions of this Part of this Act with respect to the general conditions as to hours of employment of women and young persons, notices fixing hours of employment, overtime employment of women and young persons, prohibition of use of rooms during intervals, prohibition of Sunday employment, and annual holidays, so far as they relate to women and to young persons who have attained the age of sixteen.

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(2) The hours worked in any week by any woman or young person in pursuance of regulations made under this section shall not exceed fifty-four, except that in such factories in which cheese is made as may be specified in the regulations, and during such period of the year as may be so specified, the hours so worked in any week may extend to sixty.

Provision for protection of women and young persons employed under exceptions.

114. Where it appears to the Minister that the adoption of any special provision is required for the protection of the health or welfare of women or young persons employed overtime or in pursuance of an exception under sections ninety-nine to one hundred and thirteen of this Act, he may by regulations direct that the adoption of the provision shall be a condition of such employment in addition to any other conditions specified in this Part of this Act.

Notices, registers, &c., relating to exceptions.

115.—(1) An occupier of a factory, not less than seven days before he avails himself of any exception under sections ninety-nine to one hundred and thirteen of this Act, shall serve on the inspector for the district and post in his factory notice in the prescribed form of his intention to do so, as from a date specified in the notice, and shall keep the notice posted whilst he avails himself of the exception.

(2) Before the service of the notice on the inspector the exception shall not be deemed to apply to the factory, and as from the date specified in the notice it shall not be competent in any proceeding under this Act for the occupier to prove that the exception does not apply to his factory, unless, before the event in respect of which the proceedings are taken, he had served on the inspector for the district notice that he no longer intended to avail himself of the exception.

(3) The notice mentioned in subsection (1) of this section must, except as otherwise provided by this Part of this Act, specify the period of employment, and the intervals to be allowed for meals or rest, and the annual holidays, where they differ from the ordinary hours or intervals or holidays, and, subject to the provisions of this Part of this Act with respect to overtime, no person employed in pursuance of the exception shall be employed otherwise than in accordance with the notice.

(4) A change in the said period of employment or intervals shall not be made until the occupier has served on the inspector for the district, and posted in the factory, notice of his intention to make the change, and shall not be made oftener than once in three months, unless for special cause allowed in writing by the inspector.

(5) The Minister may by order direct that every occupier of a factory availing himself of such exception as may be specified in the order shall enter in the prescribed register and report to the inspector for the district such particulars as may be so specified

respecting the employment of women and young persons in pursuance of that exception. PART VI

Regulation of employment of young persons in certain occupations

Regulation of employment of young persons in certain occupations.

116.—(1) This section applies to young persons—

(*a*) employed in collecting, carrying or delivering goods, carrying messages or running errands, who are so employed in the business of a factory wholly or mainly outside the factory or who are so employed in connection with any business carried on at a dock, wharf, or quay to which section one hundred and twenty-five of this Act applies, or any warehouse (except a warehouse which forms part of a factory or to which the Shops Act, 1950, applies), and 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; or

(*b*) employed in or in connection with any process (not being a process to which section one hundred and twenty-six of this Act applies) carried on at any such dock, wharf, quay, or warehouse and by a person having such use or occupation as aforesaid, or in or in connection with the processes of loading, unloading or coaling any ship in any dock, harbour or canal.

(2) The employment of all such young persons as aforesaid shall, subject as hereinafter provided, conform to the following conditions, that is to say:—

(*a*) the total hours worked, exclusive of intervals allowed for meals and rest, shall not, subject to paragraph (*d*) of this subsection, exceed forty-eight in any week;

(*b*) the young person shall not be employed continuously for a spell of more than five hours without an interval of at least half an hour for a meal or rest, and where the hours of employment include the hours from half-past eleven in the morning to half-past two in the afternoon, an interval of not less than three-quarters of an hour shall be allowed between these hours for dinner;

(*c*) on at least one weekday in each week, to be notified in the prescribed form and manner, the young person shall not be employed after one o'clock in the afternoon;

(*d*) the young person, if he has attained the age of sixteen, may, on occasions of seasonal or other special pressure or in cases of emergency, work overtime, that is to say, in excess of the permitted weekly hours, but his hours of overtime work shall not exceed six in any week or fifty in any calendar year, and where any employer

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has employed overtime any young persons to whom this section applies in twelve weeks (whether consecutive or not) in any calendar year, neither he nor any person succeeding to his business shall employ young persons to whom this section applies overtime during the remainder of that year;

(*e*) the young person shall in every period of twenty-four hours between midday on one day and midday on the next day be allowed an interval of at least eleven consecutive hours, which shall include the hours from ten o'clock in the evening until six o'clock in the morning;

(*f*) the employer of any young persons to whom this section applies shall keep in the prescribed form and manner a record of the prescribed particulars as to the young persons, including particulars of the hours worked by them and of the intervals allowed to them for meals and rest, and particulars of all overtime employment shall be separately entered in the record;

(*g*) sections eighty-seven, ninety-three, ninety-four and one hundred and nine of this Act shall apply, subject to the prescribed adaptations, to the employment of young persons to whom this section applies;

(*h*) any further conditions, which may include conditions with respect to the daily period of employment, prescribed by regulations of the Minister for the purpose of safeguarding the welfare and interests of the young persons or any class of them, shall be complied with.

(3) Where a young person to whom this section applies is, in addition to being employed in employment mentioned in subsection (1) of this section, also employed by the same employer in any other employment, any reference in subsection (2) of this section to employment shall, in relation to that young person, include a reference to that other employment.

(4) The employer of any young person to whom this section applies may give notice to the inspector for the district that he wishes to substitute for the provisions of this section the foregoing provisions of this Part of this Act, and, unless and until the notice is withdrawn by another notice, those provisions shall apply accordingly, subject to the prescribed adaptations, to all such young persons employed by him.

Any notice given under this subsection (including a notice of withdrawal) shall be in the prescribed form and shall take effect from such date after it is given as may be prescribed.

(5) For the purposes of this section, a young person shall be deemed to be employed by the person for whom he works, whether or not he receives any wages for his work.

Exemptions in interest of efficiency of industry or transport

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Exemptions from provisions regulating hours of employment.

117.—(1) Where the Minister is satisfied, on an application made to him in that behalf, that it is desirable in the public interest to do so for the purpose of maintaining or increasing the efficiency of industry or transport, he may, after such consultations as he may think appropriate or as may be required under subsection (5) of this section, exempt the employment of persons of or over the age of sixteen from any of the following provisions, except in so far as they relate to mines and quarries, that is to say,—

(*a*) the foregoing provisions of this Part of this Act;

(*b*) subsection (3) of section one of the Employment of Women, Young Persons, and Children Act, 1920; and

(*c*) the Hours of Employment (Conventions) Act, 1936.

(2) An exemption granted under this section may extend to the employment of persons generally, of a class of persons or of particular persons, and to employment generally, or any class of employment or particular employment, and may be granted to such extent and on such conditions as may be specified in the instrument by which it is granted and, subject to subsection (4) of this section, either indefinitely or for such period as may be so specified.

(3) An exemption under this section extending only to particular persons or a particular employment or to a class of persons or employment defined by reference to particular premises or to work supervised from particular premises, and any exemption under this section for a particular day or particular days only, shall be granted by order, to be known as a special exemption order, and any other exemption under this section shall be granted by special regulations, to be known as general exemption regulations.

(4) An exemption granted by a special exemption order shall not be for more than one year, without prejudice however to the granting of the like exemption for further periods by further special exemption orders.

(5) The Minister shall not make general exemption regulations except—

(*a*) on the application of a joint industrial council, conciliation board or other similar body constituted by organisations which appear to him to be representative respectively of workers and employers concerned; or

(*b*) on the application of a wages council; or

(*c*) on the joint application of an organisation which appears to him to be representative of employers concerned and of an organisation which appears to him to be representative of workers concerned; or

(*d*) on the application of an organisation which appears to him to be representative of employers concerned

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and after consulting an organisation which appears to him to be representative of workers concerned; or

(*e*) on the application of an organisation which appears to him to be representative of workers concerned and after consulting an organisation which appears to him to be representative of employers concerned.

(6) The Minister shall publish in the London Gazette such particulars of special exemption orders as he considers appropriate.

(7) In this section "organisation" includes—

(*a*) in relation to workers, an association of trade unions, and

(*b*) in relation to employers, an association of organisations of employers and also any body established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking;

and "trade union" includes an association of trade unions.

Certificate of fitness for employment of young persons

Certificate of fitness for employment of young persons.

118.—(1) Subject to the provisions of this section, a young person shall not remain in any employment in a factory after the expiration of the period mentioned in subsection (2) of this section unless he has been examined by the appointed factory doctor and certified by him as fit for the employment and the certificate is still in force.

(2) The said period is such a period, not less than seven days, as may be prescribed, beginning with whichever of the following dates is the later, that is to say,—

(*a*) the date on which the young person was taken into the employment; and

(*b*) the date on which any previous certificate under this section certifying his fitness for that employment ceased to have effect, or ceased to have effect with respect to that employment.

(3) Where the appointed factory doctor after examining a young person requires further information or further time for consideration before deciding whether or not to certify him as fit for employment or as to the conditions subject to which the certificate is to be issued, he may issue a provisional certificate authorising the employment of the young person for such period as may be specified in the certificate, not exceeding twenty-one days from the date on which it is issued.

(4) A certificate under this section may be issued in respect of employment in all factories in the occupation of the same occupier and in the district of the appointed factory doctor

issuing the certificate, or such of them as may be specified in the certificate and, where the certificate is restricted to employment belonging to any one group specified in rules under this section, it may, subject to such restrictions as may be specified in the rules, be issued in respect of employment,—

(*a*) in all factories in the occupation of the same occupier, or such of them as may be specified in the certificate (including factories outside the district of the appointed factory doctor issuing the certificate); or

(*b*) in factories in the occupation of different occupiers, either in any area or in such area as may be specified in the certificate.

(5) A certificate under this section may be issued subject to conditions as respects the nature of the work in which the young person is to be employed and subject to a condition that he shall be re-examined after an interval specified in the certificate; and where a certificate is issued subject to such a condition, the young person shall not be employed (while he is a young person) except in accordance with the condition.

(6) A certificate under this section shall be in force only for twelve months or such shorter period as may be prescribed by regulations of the Minister and may, on any examination of a young person under this Act by an appointed factory doctor, be revoked or varied as from a date before its expiration.

(7) Where a certificate under this section in respect of any young person is refused or revoked, the appointed factory doctor shall, if requested to do so by the parent of the young person, give to the parent in writing the reasons for the refusal or revocation.

(8) The Minister may make rules prescribing—

(*a*) the manner in which and the place at which examinations under this section shall be conducted;

(*b*) the form of certificates under this section;

(*c*) the facilities to be afforded by occupiers of factories for the purpose of examinations under this section, including facilities for an appointed factory doctor to inspect any process in which a young person is to be employed;

(*d*) the employments which are to be treated as groups for the purposes of subsection (4) of this section;

(*e*) any other matter which the Minister may consider desirable for the purpose of giving effect to this section.

(9) It shall be the duty of every local education authority or, in Scotland, education authority to arrange for their officers to furnish, on the application of the appointed factory doctor, for his confidential information such particulars as to the school medical record of a young person and such other information

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in their possession relating to the medical history of a young person as he may require to assist him to carry out effectively his duties under this section; and the Minister of Housing and Local Government or, in Scotland, the Secretary of State may make rules for the purpose of securing the observance of the foregoing provisions of this subsection and the said Minister may arrange with the Minister of Education to make such rules on his behalf; and the appointed factory doctor shall, in any case where he is doubtful whether or not to issue a certificate under this section, make such an application as aforesaid.

(10) The Minister may by regulations exempt from the operation of this section any class or description of factory in which mechanical power is not used.

Power of inspector to require certificate of fitness for work.

119. Where an inspector is of opinion that the employment of a young person in a factory or in a particular process or kind of work in a factory is prejudicial to his health or the health of other persons, he may serve written notice on the occupier of the factory informing him thereof and requiring that the employment of that young person in the factory or in the process or kind of work, as the case may be, be discontinued after the period named in the notice (which shall not be less than one nor more than seven days after the service of the notice) and the occupier shall not continue after that period to employ the young person (notwithstanding that a certificate under section one hundred and eighteen of this Act is in force in respect of him) unless the appointed factory doctor has, after the service of the notice, personally examined the young person and certified that he is fit for employment in the factory or in the process or kind of work, as the case may be.

PART VII

SPECIAL APPLICATIONS AND EXTENSIONS

Factories occupying parts of buildings

Tenement factories and parts of buildings let off as separate factories—fire provisions.

120. The Second Schedule to this Act shall have effect for modifying certain provisions of this Act relating to fire in their application to certain factories occupying parts of buildings.

Tenement factories—other provisions.

121.—(1) Subject to the following provisions of this section, the owner (whether or not he is one of the occupiers) of a tenement factory shall, instead of the occupier, be responsible for any contravention of the following provisions of this Act, that is to say—

(*a*) the provisions of Part I with respect to the drainage of floors, sanitary conveniences, cleanliness, overcrowding, temperature, ventilation and lighting;

(*b*) the provisions of Part II with respect to the provision and maintenance of fencing and safety appliances, the construction, maintenance, testing and examination of machinery or plant, the construction and maintenance of floors, passages and stairs, and the power of a magistrates' court or sheriff to make orders as to dangerous factories;

(*c*) the provisions of Part III;

(*d*) the provisions of Part IV with respect to the removal of dust or fumes;

(*e*) the provisions of Part V;

(*f*) the provisions of Part VI as to notices fixing the hours of employment and notices relating to exceptions; and

(*g*) the provisions of Part X as to posting of abstracts and notices;

and for the purposes of those provisions the whole of a tenement factory shall be deemed to be one factory in the occupation of the owner.

(2) Subsection (1) of this section does not apply to any contravention arising from the use in a tenement of any fencing, appliances, machinery or plant, if the use is a matter outside the control of the owner.

(3) Subsection (1) of this section does not apply to a contravention in rooms occupied by only one tenant—

(*a*) of the provisions of Part I with respect to cleanliness, overcrowding, temperature, ventilation and lighting; or

(*b*) of the provisions of Part IV with respect to removal of dust or fumes;

unless the contravention arises from a failure to carry out any necessary structural work or from any defect in any machinery, plant or fixtures belonging to the owner; and does not apply to a contravention in any such room of the provisions of Part V.

(4) Subsection (1) of this section does not apply to a contravention of the provisions of Part III unless it arises from any such failure or defect as is mentioned in subsection (3) of this section.

(5) Where the occupier of any tenement posts in his tenement a notice with respect to the period of employment, and the intervals for meals or rests or any notice relating to an exception, the notice shall, with respect to persons employed by him, have effect in substitution for the corresponding notice posted by the owner.

(6) The provisions of this Act shall, so far as they are applicable and have not been applied by the foregoing provisions of this section, apply to any part of a tenement factory which is not comprised within any of the separate factories as if that part were a factory and the owner were the occupier thereof.

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(7) The Minister may by special regulations modify the provisions of this section in their application to any class or description of tenement factory.

Parts of buildings let off as separate factories—other provisions.

122.—(1) Where a part of a building is let off as a separate factory but is not part of a tenement factory,—

(*a*) the provisions of this Act specified in paragraphs (*a*) and (*b*) of subsection (2) of this section shall apply to any part of the building used for the purposes of the factory but not comprised therein;

(*b*) subject to subsections (4) and (5) of this section, the owner of the building shall be responsible for any contravention of the provisions specified in the said paragraph (*a*) as so applying; and

(*c*) subject to subsection (5) of this section, the owner of the building shall be responsible, instead of the occupier, for any contravention as respects the factory, of the provisions specified in paragraph (*c*) of subsection (2) of this section.

(2) The said provisions are—

(*a*) the provisions of Part I with respect to cleanliness and lighting, and the provisions of Part II with respect to prime movers, transmission machinery, hoists and lifts, chains, ropes and lifting tackle, cranes and other lifting machines, the construction and maintenance of floors, passages and stairs, the keeping free from obstruction and slippery substances of floors, steps, stairs, passages and gangways, and with respect to steam boilers, steam receivers and steam containers, and air receivers;

(*b*) the provisions of Part II with respect to the power of a magistrates' court or sheriff to make orders as to dangerous conditions and practices or as to safety of factory premises; and

(*c*) the provisions of Part I with respect to sanitary conveniences and the provisions of Part II with respect to hoists and lifts.

(3) For the purposes of the provisions applied by the foregoing provisions of this section, lifting machines attached to the outside of the building, and chains, ropes and lifting tackle used in connection with those machines, shall be treated as being in the building, but any lifting machine not used for the purposes of the factory, and any chains, ropes or lifting tackle not used in connection with a lifting machine so used, shall be disregarded.

(4) For any contravention (whether as respects the factory or otherwise) of the provisions of Part II with respect to chains, ropes and lifting tackle, cranes and other lifting machines, steam

boilers, steam receivers and steam containers, and air receivers—

(*a*) the occupier of the factory shall be responsible if it is a contravention with respect to any machinery or plant belonging to or supplied by him; and

(*b*) the owner of the building shall be responsible in any other case;

except that the owner shall not be responsible for a contravention of those provisions in so far as they relate to matters outside his control, and for any such contravention as respects the factory the occupier shall be responsible.

(5) The owner shall be responsible by virtue of this section—

(*a*) for the cleanliness of sanitary conveniences only when used in common by several tenants; and

(*b*) for a contravention of the provisions relating to hoists and lifts only so far as those provisions relate to matters within his control.

(6) The reference in section fifty-four of this Act (both as it applies in relation to the factory and as it applies by virtue of the foregoing provisions of this section) to the occupier shall be construed as referring to the occupier of the factory or to the owner of the building according as the one or the other is responsible in respect of the matters complained of.

(7) Any reference in the provisions applied by the foregoing provisions of this section to the general register shall, in relation to matters in respect of which the owner of the building is responsible, be construed as a reference to a register to be kept by him, and subsection (3) of section one hundred and sixty-six of this Act shall apply in relation to that register as if the owner were the occupier of the factory.

Electrical stations

Application of Act to electrical stations.

123.—(1) The provisions of this Act shall apply to any premises in which persons are regularly employed in or in connection with the processes or operations of generating, transforming or converting, or of switching, controlling or otherwise regulating, electrical energy for supply by way of trade, or for supply for the purposes of any transport undertaking or other industrial or commercial undertaking or of any public building or public institution, or for supply to streets or other public places, as if the premises were a factory and the employer of any person employed in the premises in or in connection with any such process or operation were the occupier of a factory.

(2) Where any such process or operation is carried on or performed for such a supply as is mentioned in subsection (1)

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of this section but in other premises than those mentioned therein, then, if the premises are large enough to admit the entrance of a person after the machinery or plant therein is in position, the following provisions of this Act shall apply to the premises as if they were a factory and the employer of any person employed therein in or in connection with any such process or operation were the occupier of the factory, that is to say,—

(*a*) the provisions of sections fifty and fifty-one so far as they enable the Minister to make regulations;

(*b*) the provisions of Part IV with respect to special regulations for safety and health;

(*c*) Part V;

(*d*) the provisions of Part XI with respect to powers and duties of inspectors;

(*e*) Part XII;

(*f*) Part XIII;

(*g*) Part XIV.

(3) The Minister may by special regulations apply any of the provisions mentioned in subsection (2) of this section to any machinery or plant used—

(*a*) in such processes or operations as are mentioned in subsection (1) of this section and for such a supply as is mentioned therein; but

(*b*) elsewhere than in such premises as are mentioned in subsection (1) or subsection (2) of this section,

as if the machinery or plant were machinery or plant in a factory, and the employer of any person employed in connection with any such use of the machinery or plant were the occupier of a factory.

(4) Subsections (1) and (2) of this section shall not, except in so far as the Minister may by special regulations direct, apply to any premises where the said processes or operations are only carried on or performed for the immediate purpose of working an electric motor or working any apparatus which consumes electrical energy for lighting, heating, transmitting or receiving messages or communications, or other purposes.

Institutions

Institutions.

124.—(1) Where, in any premises forming part of an institution carried on for charitable or reformatory purposes, any manual labour is exercised in or incidental to the making, altering, repairing, ornamenting, finishing, washing, cleaning or

adapting for sale, of articles not intended for the use of the institution, but the premises do not constitute a factory, the provisions of this Act shall nevertheless apply to the premises, except as provided by subsection (3) of this section, but subject to subsection (2) of this section.

(2) If the persons having the control of the institution (in this subsection referred to as "the managers") satisfy the Minister that the only persons working therein are persons who are inmates of and supported by the institution, or persons engaged in the supervision of the work or the management of machinery, and that the work is carried on in good faith for the purposes of the support, education, training, or reformation of persons engaged in it, the Minister may by order direct that so long as the order is in force this Act shall apply to the institution subject to the following modifications:—

(*a*) the managers may submit for the approval of the Minister a scheme for the regulation of the hours of employment, intervals for meals, and holidays of the inmates, and if the Minister is satisfied that the provisions of the scheme are not less favourable to the inmates than the corresponding provisions of this Act, the Minister may approve the scheme, and upon his approval this Act shall, until the approval is revoked, apply as if the provisions of the scheme were substituted for the corresponding provisions of this Act;

(*b*) the medical officer of the institution (if any) may, on the application of the managers, be appointed to be the appointed factory doctor for the institution;

(*c*) the provisions of Part X of this Act as to the posting of an abstract and notices shall not apply, but among the particulars required to be shown in the general register there shall be included the prescribed particulars of the scheme, or where no scheme is in force the prescribed particulars as to hours of employment, intervals for meals or rest, and holidays, and other matters dealt with in this Act;

(*d*) if the institution is carried on for reformatory purposes and the managers give notice thereof to the chief inspector, an inspector shall not, without the consent of the managers or of the person having charge of the institution under the managers, examine an inmate of the institution save in the presence of one of the managers or of the said person; but if the Minister is satisfied that there is reason to believe that a contravention of the provisions of this Act, or of any regulation or order made thereunder is taking place in the institution he may suspend the operation of the preceding provisions of this paragraph as respects the institution to such extent as he may consider necessary;

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(*e*) the managers shall, not later than the fifteenth day of January in every year, send to the Minister a correct return in the prescribed form, specifying the names of the managers and the name of the person (if any) having charge of the institution under the managers, and such particulars as to the number, age, sex and employment of the inmates and other persons employed in the work carried on in the institution as may be prescribed, and if they fail to do so they shall be guilty of an offence and liable to a fine not exceeding ten pounds.

(3) This Act shall not, except in so far as the Minister may by order direct, apply to any premises which do not constitute a factory, if the premises are subject to inspection by or under the authority of a Government department.

Docks, wharves, quays, warehouses and ships

Docks, etc.

125.—(1) The provisions of this Act specified in subsection (2) of this section shall apply 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) and every other warehouse (not forming part of a factory) in or for the purposes of which mechanical power is used—

(*a*) as if it were a factory; and

(*b*) as if the person having the actual use or occupation of it or of any premises within it or forming part of it, were the occupier of a factory.

(2) The said provisions are:—

(*a*) the provisions of Part II with respect to steam boilers, but with the modification that the owner of the boiler shall, instead of the person deemed to be the occupier, be responsible for any contravention of those provisions;

(*b*) the provisions of sections fifty and fifty-one so far as they enable the Minister to make regulations;

(*c*) the provisions of Part II with respect to the power of the Minister to require special safety arrangements for the prevention of accidents and to the power of a magistrates' court or sheriff to make orders as to dangerous conditions and practices;

(*d*) the provisions of Part III with respect to welfare regulations;

(*e*) the provisions of Part IV with respect to special regulations for safety and health;

(*f*) Part V;

(*g*) the provisions of Part VII with respect to premises where part of a building is a separate factory, subject to such modifications as may be made by regulations of the Minister;

(*h*) the provisions of Part IX with respect to the prohibition of deductions from wages;

(*j*) the provisions of Part X with respect to the abstract of this Act and notices, special regulations, general registers (so far as applicable), preservation of registers and records, but subject to such modifications as may be made by regulations of the Minister, and the provisions of Part X with respect to duties of persons employed and with respect to weights, measures and weighing and measuring instruments used in ascertaining wages;

(*k*) the provisions of Part XI with respect to powers and duties of inspectors;

(*l*) Part XII; and

(*m*) Part XIV.

(3) Subject to subsection (4) of this section,—

(*a*) the provisions of this Act mentioned in paragraph (*a*) (subject to the modification mentioned in that paragraph) and in paragraphs (*c*), (*e*), (*f*), (*h*), (*j*), (*k*), (*l*) and (*m*) of subsection (2) of this section; and

(*b*) the provisions of sections one hundred and eighteen, one hundred and fifty-one and one hundred and fifty-two of this Act with such adaptations and modifications as may be made by regulations made by the Minister;

shall apply to the process of loading, unloading or coaling of any ship in any dock, harbour or canal, and to all machinery or plant used in those processes, as if the processes were carried on in a factory and the machinery or plant were machinery or plant in a factory, and the person who carries on those processes were the occupier of a factory.

(4) Nothing in subsection (3) of this section shall operate—

(*a*) to apply the provisions mentioned in paragraphs (*a*) and (*c*) of subsection (2) of this section to any machinery or plant which is on board a ship and is the property of the ship owner; or

(*b*) to apply the provisions mentioned in paragraph (*b*) of the said subsection (3) to a member of the crew of a ship.

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(5) In subsections (3) and (4) of this section " plant " includes any gangway or ladder used by any person employed to load or unload or coal a ship.

(6) The provisions of Part II of this Act with respect to prime movers, transmission machinery, other machinery, provisions as to unfenced machinery, construction and maintenance of fencing, construction and sale of new machinery, cleaning of machinery by women and young persons, training and supervision of young persons working at dangerous machines, hoists and lifts, chains, ropes and lifting tackle, cranes and other lifting machines, construction and maintenance of floors, passages and stairs, and the power of a magistrates' court or sheriff to make orders as to dangerous factories shall apply to every warehouse mentioned in subsection (1) of this section as if the warehouse were a factory and the person having the actual use or occupation thereof were the occupier of a factory.

Ships.

126.—(1) Subject to subsection (3) of this section, the provisions of this Act specified in subsection (2) of this section shall apply to any work carried out in a harbour or wet dock in constructing, reconstructing, repairing, refitting, painting, finishing or breaking up a ship or in scaling, scurfing or cleaning boilers (including combustion chambers and smoke boxes) in a ship, or in cleaning oil-fuel tanks or bilges in a ship or any tank in a ship last used for oil of any description carried as cargo or any tank or hold last used for any substance so carried of a description specified in regulations of the Minister as being of a dangerous or injurious nature; and for the purposes of those provisions as so applying the ship shall be deemed to be a factory, and any person undertaking the work shall be deemed to be the occupier of a factory.

(2) The said provisions are:—

(*a*) the provisions of sections fifty and fifty-one so far as they enable the Minister to make regulations;

(*b*) the provisions of Part II with respect to the power of a magistrates' court or sheriff to make orders as to dangerous conditions and practices;

(*c*) the provisions of Part III with respect to welfare regulations;

(*d*) the provisions of Part IV with respect to special regulations for safety and health;

(*e*) Part V;

(*f*) the provisions of Part VI with respect to hours of employment (but not with respect to Sunday employment and annual holidays), subject to such modifications as may be made by regulations of the Minister to meet special circumstances;

(*g*) the provisions of sections one hundred and eighteen, one hundred and fifty-one and one hundred and fifty-two of this Act with such adaptations and modifications as may be made by regulations made by the Minister;

(*h*) the provisions of Part IX with respect to the prohibition of deductions from wages;

(*j*) the provisions of Part X with respect to general registers (so far as applicable), preservation of registers and records, and duties of persons employed;

(*k*) the provisions of Part XI with respect to powers and duties of inspectors;

(*l*) Part XII;

(*m*) Part XIV.

(3) Nothing in this Act shall apply to any such work as is mentioned in subsection (1) of this section which is done by the master or crew of a ship or done on board a ship during a trial run.

Works of building and engineering construction

Building operations and works of engineering construction.

127.—(1) Subject to the following provisions of this section, the provisions of this Act specified in subsection (2) of this section shall apply—

(*a*) to building operations; and

(*b*) to works of engineering construction;

undertaken by way of trade or business, or for the purpose of any industrial or commercial undertaking, and to any line or siding which is used in connection therewith and for the purposes thereof and is not part of a railway or tramway.

(2) The said provisions are:—

(*a*) the provisions of Part I with respect to sanitary conveniences;

(*b*) the provisions of sections fifty and fifty-one so far as they enable the Minister to make regulations;

(*c*) the provisions of Part II with respect to steam boilers and air receivers and the power of a magistrates' court or sheriff to make orders as to dangerous conditions and practices;

(*d*) the provisions of Part III with respect to welfare regulations;

(*e*) the provisions of Part IV with respect to special regulations for safety and health;

(*f*) Part V;

(*g*) the provisions of sections one hundred and eighteen, one hundred and fifty-one and one hundred and fifty-two of this Act with such adaptations and modifications as may be made by regulations made by the Minister;

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(*h*) the provisions of Part IX with respect to the prohibition of deductions from wages;

(*j*) the provisions of Part X with respect to the abstract of this Act and notices, special regulations, general registers (so far as applicable), preservation of registers and records, and duties of persons employed;

(*k*) the provisions of Part XI with respect to powers and duties of inspectors and district councils;

(*l*) Part XII;

(*m*) Part XIII;

(*n*) Part XIV.

(3) No order made under the provisions of this Act with respect to the power of a magistrates' court or sheriff to make orders as to dangerous conditions and practices and no special regulations made under Part IV of this Act shall operate so as to interfere with the design of any works of engineering construction or with the adoption in the execution of those works of any method not inconsistent with the safety of the works or of the persons employed which is prescribed in the specification or in any signed plans issued, or written directions given, by the consulting engineer or the engineer in charge.

(4) The provisions of this Act in their application to building operations or to works of engineering construction shall have effect as if any place where such operations or works are carried on were a factory and any person undertaking any such operations or works to which this Act applies were the occupier of a factory, and with such other adaptations and modifications as may be made by regulations made by the Minister.

(5) The provisions of this Act requiring general registers to be kept and copies of the prescribed abstract of this Act and of special regulations or the prescribed abstract of such regulations to be kept posted up on the premises shall be deemed to be complied with as respects building operations or works of engineering construction if the register is kept at an office of the person undertaking the operations or works and copies of the abstract of this Act and of the regulations or abstract thereof are kept posted up at each office, yard or shop of the person undertaking the operations or works at which persons employed by him on the operations or works attend, and in a position where they can easily be read by those persons.

(6) Subject to subsection (7) of this section, any person undertaking any building operations or works of engineering construction to which this Act applies shall, not later than seven days after the beginning thereof, serve on the inspector for the district a written notice stating the name and postal address of that person, the place and nature of the operations or

works, whether any mechanical power is used and, if so, its nature, the name of the district council within whose district the operations or works are situated and such other particulars as may be prescribed.

(7) Subsection (6) of this section shall not apply to any operations or works which the person undertaking them has reasonable grounds for believing will be completed in a period of less than six weeks, except in such cases as the chief inspector may direct; and where a person undertakes any building operations or works of engineering construction in a place where such operations or, as the case may be, works are in progress, he shall not be required to give a notice under that subsection if such a notice was given in respect of the operations or works in progress.

(8) The application of this Act to any building operations or works of engineering construction by virtue of the foregoing provisions of this section shall not be excluded by reason of the fact that they are undertaken on premises to which this Act applies apart from those provisions; and nothing in this section shall be taken as prejudicing the application of this Act to those premises apart from this section.

Lead processes carried on in places other than factories

Employment of women and young persons in places other than factories in processes connected with lead manufacture or involving the use of lead compounds.

128. The following provisions of this Act, that is to say:—

(*a*) the provisions relating to the employment of women and young persons in certain processes connected with lead manufacture and in processes involving the use of lead compounds;

(*b*) the provisions requiring notification to be sent to the chief inspector, or to the inspector for the district, of lead poisoning contracted or occurring in factories; and

(*c*) any provision relating to powers and duties of inspectors and to offences, penalties and legal proceedings;

shall apply to employment in any such processes as aforesaid in any place other than a factory, as if the place were a factory and the employer were the occupier of the factory, and as if the references to young persons included references to all persons who had not attained the age of eighteen.

Use of lead paint in connection with buildings.

129.—(1) The Minister may make special regulations for preventing danger from lead paint to persons employed in or in connection with the painting of buildings, and in particular—

(*a*) for prohibiting the use of any lead compound except in the form of paste or of paint ready for use;

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(*b*) for the prevention of danger arising from the application of lead paint in the form of spray;

(*c*) for prohibiting dry rubbing down and scraping;

(*d*) for providing for the periodical medical examination of persons employed in or in connection with painting with lead paint, and for the suspension from such employment of persons whose health is or appears likely to be injuriously affected thereby;

(*e*) for securing that facilities for washing during, and on cessation of, work are afforded to persons employed in or in connection with painting;

(*f*) for the use of protective clothing by persons so employed and for preventing clothes left off during work from being soiled by paint;

(*g*) for the distribution to persons so employed of instructions with regard to hygienic precautions to be taken.

(2) The provisions of this Act specified in subsection (3) of this section shall apply in any case where persons are employed in painting buildings as if the place where they are employed were a factory and the person by whom they are employed the occupier of the factory, and with such further or other modifications as may be made by order of the Minister for the purpose of making those provisions applicable to the painting of buildings.

(3) The said provisions are—

(*a*) the provisions of section eighty-two so far as they relate to cases of lead poisoning;

(*b*) section one hundred and thirty-nine;

(*c*) sections one hundred and forty-six, one hundred and forty-nine and one hundred and fifty;

(*d*) section one hundred and fifty-five.

(4) Subject to subsection (5) of this section, every person who employs persons in painting buildings shall send to the inspector for the district in which his office is situated a notice in writing stating his name and the address of his office, and shall keep at his office a register, which shall be available for inspection by an inspector at all reasonable times, containing such particulars as to the persons so employed by him and as to the work on which they are employed as may be prescribed, and shall make such returns to the inspector for the district as may be prescribed.

(5) Subsection (4) of this section does not apply where the persons employed are persons whose ordinary occupation does not include the painting of buildings.

(6) Any person failing to comply with the requirements of subsection (4) of this section shall be liable to a fine not exceeding three pounds.

PART VII

Power to take samples of paint, etc.

130.—(1) Where an inspector suspects that any substance used or intended for use in painting a building contains a lead compound, he may at any time take for analysis sufficient samples of that substance; and if any person who employs persons in painting buildings refuses to allow an inspector to take samples in pursuance of this section, or to give him facilities for the purpose, he shall be liable to a fine not exceeding three pounds.

(2) Any such person may, at the time when a sample is taken under this section, and on providing the necessary appliances, require the inspector to divide the sample into two parts and to mark and seal and deliver to him one part.

(3) Subsections (3) and (4) of section seventy-eight of this Act shall apply in relation to an analysis of a sample under this section as they apply in relation to an analysis of a sample under that section, but with the substitution of fifty pounds for one hundred pounds as the maximum amount of the fine mentioned therein.

Prohibition of employment of women and young persons in painting buildings with lead paint.

131.—(1) Subject to subsection (2) of this section a woman or young person shall not be employed in painting any part of a building with lead paint.

(2) This section shall not apply to the employment of—

(*a*) persons employed as apprentices in the painting trade under arrangements approved by an order of the Minister made after consultation with the organisations, if any, representative of the employers and workers in the trade; or

(*b*) women or young persons in such special decorative or other work (other than work of an industrial character) as may be excluded from the provisions of this section by an order of the Minister.

Provisions supplementary to ss. 129–131.

132. In sections one hundred and twenty-nine to one hundred and thirty-one of this Act "lead paint" means any paint, paste, spray, stopping, filling, or other material used in painting which, when treated in a manner prescribed by rules made by the Minister, yields to an aqueous solution of hydrochloric acid a quantity of soluble lead compound exceeding, when calculated as lead monoxide, five per cent. of the dry weight of the portion taken for analysis; and "building" includes fixtures.

PART VIII

HOME WORK

Lists of outworkers to be kept in certain trades.

133.—(1) In the case of persons employed in such classes of work as may from time to time be specified by regulations of the Minister, the occupier of every factory and every contractor employed by any such occupier in the business of the factory shall—

(*a*) keep in the prescribed form and manner, and with the prescribed particulars, lists showing the names and addresses of all persons (in this section referred to as outworkers) directly employed by him, either as workmen or as contractors, in the business of the factory, outside the factory, and of the places where they are employed; and

(*b*) send to an inspector such copies of or extracts from those lists as the inspector may from time to time require; and

(*c*) send to the district council during the month of February and the month of August in each year copies of those lists, showing all outworkers employed by him during the preceding six months.

(2) Every district council shall cause the lists received by the council in pursuance of this section to be examined, and shall furnish the name and place of employment of every outworker included in any such list whose place of employment is outside the district of the council to the council in whose district his place of employment is.

(3) The lists kept by the occupier or contractor shall be open to inspection by any inspector, and by any officer duly authorised by the district council, and the copies sent to the council and the particulars furnished by one council to another shall be open to inspection by any inspector or officer of any Government department.

(4) This section shall apply to any place from which any work is given out in connection with the business of a factory (whether the materials for the work are supplied by the occupier or not), and to the occupier of that place, and to every contractor employed by the occupier in connection with the said work, as if that place were a factory.

(5) In the event of a contravention of this section by the occupier of a factory or place, or by a contractor, the occupier or contractor shall be guilty of an offence and liable to a fine not exceeding twenty pounds.

PART VIII
Employment of persons in unwholesome premises.

134.—(1) Where work in respect of which this section applies is carried on for the purpose of or in connection with the business of a factory in any place which is in the opinion of the district council injurious or dangerous to the health of the persons employed therein, the district council may give notice in writing to the occupier of the factory or to any contractor employed by him setting forth particulars of the respects in which the place is, in their opinion, so injurious or dangerous, and the reasons for that opinion and, if the occupier or contractor after the expiration of ten days from the receipt of the notice gives out work to be done in that place, he shall, unless it is proved to the satisfaction of the court dealing with the case that the place is not injurious or dangerous in the respects set forth in the notice, be guilty of an offence.

(2) For the purpose of this section, any place from which work is given out shall be deemed to be a factory.

(3) This section applies in respect of such classes of work as may be specified in regulations made by the Minister.

PART IX

WAGES

Particulars of work and wages to be given to pieceworkers.

135.—(1) In every textile factory the occupier shall, for the purpose of enabling each person employed who is paid by the piece to compute the total amount of wages payable to him in respect of his work, cause particulars of the rate of wages applicable to the work to be done, and also particulars of the work to which that rate is to be applied, to be published as follows:—

(*a*) in the case of weavers in the worsted and woollen, other than the hosiery, trades, the particulars of the rate of wages applicable to the work done by each weaver shall be furnished to him in writing at the time when the work is given out to him, and shall also be exhibited on a placard not containing any other matter, and posted in a position where it is easily legible;

(*b*) in the case of weavers in the cotton trade, the particulars of the rate of wages applicable to the work to be done by each weaver shall be furnished to him in writing at the time when the work is given out to him, and the basis and conditions by which the prices are regulated and fixed shall also be exhibited in each room on a placard not containing any other matter, and posted in a position where it is easily legible;

(*c*) in the case of other persons employed, the particulars of the rate of wages applicable to the work to be done by each person shall be furnished to him in writing at

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the time when the work is given out to him, except that, if the same particulars are applicable to the work to be done by each of the persons employed in one room, it shall be sufficient to exhibit them in that room on a placard not containing any other matter, and posted in a position where it is easily legible;

(*d*) such particulars of the work to be done by each person employed as affect the amount of wages payable to him shall (except so far as they are ascertainable by an automatic indicator) be furnished to him in writing at the time when the work is given out to him;

(*e*) where such particulars of the work as affect the amount of wages are ascertained by an automatic indicator, and a placard containing the particulars as to the rate of wages is exhibited in each room in pursuance of an agreement between employers and persons employed, and in conformity with the requirements of this section, the exhibition thereof shall be a sufficient compliance with the foregoing provisions of this section;

(*f*) the particulars either as to rate of wages or as to work shall not be expressed by means of symbols;

(*g*) where an automatic indicator is used for ascertaining work, the indicator shall have marked on its case the number of teeth in each wheel and the diameter of the driving roller or such other particulars as will enable the accuracy of the indicator to be checked, so, however, that in the case of spinning machines with traversing carriages the number of spindles and the length of the stretch in such machines shall be so marked instead of the diameter of the driving roller.

(2) If the occupier fraudulently uses a false indicator for ascertaining the particulars or amount of any work paid for by the piece, or if any person employed fraudulently alters an automatic indicator, the occupier or person employed, as the case may be, shall be guilty of an offence.

(3) If any person employed in a factory, having received any such particulars, whether they are furnished directly to him or to a fellow workman, discloses the particulars for the purpose of divulging a trade secret, he shall be guilty of an offence.

(4) If any person for the purpose of obtaining knowledge of or divulging a trade secret solicits or procures a person employed in a factory to disclose any such particulars, or with that object pays or rewards any such person, or causes any such person to be paid or rewarded for disclosing any such particulars, he shall be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.

(5) The Minister, on being satisfied by the report of an inspector that the provisions of this section are applicable to any class of factories other than textile factories, may, if he thinks fit, by regulations apply the provisions of this section to any such class, subject to such modifications as may in his opinion be necessary for adapting those provisions to the circumstances of the case; and he may also by regulations apply those provisions, subject to such modifications as may in his opinion be necessary for adapting them to the circumstances of the case, to any class of persons of whom lists may be required to be kept under the provisions of this Act relating to outworkers, and to the employers of those persons.

(6) In this section "textile factory" means any factory in which mechanical power is used in the spinning, weaving or knitting of cotton, wool, hair, silk (including artificial silk), flax, hemp, jute, tow, china-grass, cocoanut fibre, asbestos, or other like material, either separately or mixed together, or mixed with any other material, or any fabric made thereof or in any process preparatory or incidental thereto, whether or not carried on in the same premises.

Prohibition of deductions from wages.

136. Save as otherwise expressly provided under this Act, the occupier of a factory shall not, in respect of anything to be done or provided by him in pursuance of this Act, make any deduction from the sum contracted to be paid by him to any person employed or receive or allow any person in his employment to receive any payment from any such person.

PART X

NOTICES, RETURNS, RECORDS, DUTIES OF PERSONS EMPLOYED, AND APPLICATION OF WEIGHTS AND MEASURES ACTS

Notice of occupation of factory, and use of mechanical power.

137.—(1) Subject to subsection (3) of this section, every person who begins to occupy or to use any premises as a factory shall, not less than one month before he does so, serve on the inspector for the district a written notice stating the name of the occupier or the title of the firm, the postal address of the factory, the nature of the work, whether mechanical power is to be used and, if so, its nature, the name of the district council within whose district the factory is situated and such other particulars as may be prescribed.

(2) Subject to subsection (3) of this section, not less than one month before the date on which mechanical power is first used in a factory the occupier shall serve on the inspector for the district a written notice stating the nature of the mechanical power.

(3) A person may begin to occupy, or to use any premises as, a factory, and mechanical power may be first used in a

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factory, less than one month after the notice required by the foregoing provisions of this section has been served, if the inspector of the district gives written permission; and a person may also begin to occupy a factory less than one month after the notice has been served or before serving the notice, if he takes over from another person without changing the nature of the work and the notice is served as soon as practicable and in any case within one month of his taking over.

(4) If a person begins to occupy, or to use any premises as, a factory before he is entitled to do so under the foregoing provisions of this section, or if a person entitled thereunder to occupy a factory before giving notice fails to give the required notice within the time allowed, he shall be guilty of an offence and liable on conviction thereof to a fine not exceeding forty pounds for the first, and ten pounds for each subsequent, day during which he occupies the factory, or uses the premises as a factory, as aforesaid, or during which he fails to give the notice after the expiration of the time allowed, as the case may be.

(5) The powers of an inspector under section one hundred and forty-six of this Act shall include power by day to enter, inspect, and examine any premises which are stated in a notice under this section to be intended to be used as a factory, and in relation to any such premises the reference to the occupier of a factory in subsection (2) of that section shall be construed as a reference to the person giving the notice.

Posting of abstract of Act and notices.

138.—(1) Subject to subsection (2) of this section, there shall be kept posted at the principal entrances of a factory at which employed persons enter—

(*a*) the prescribed abstract of this Act; and

(*b*) a notice of the address of the inspector for the district and the superintending inspector for the division; and

(*c*) a notice of the name and address of the appointed factory doctor for the factory; and

(*d*) a notice specifying the clock (if any) by which the period of employment and intervals for meals and rest in the factory are regulated; and

(*e*) every notice and document required by this Act to be posted in the factory.

(2) An inspector may direct that all or any of the documents mentioned in subsection (1) of this section shall be posted in such parts of the factory, either in addition to or in substitution for the principal entrances, as he may direct.

(3) All such documents shall be posted in such characters and in such positions as to be conveniently read by the persons

employed in the factory and, if a form has been prescribed for any document, it shall be posted in that form.

(4) If any person pulls down, injures or defaces any abstract, notice, regulations or other document posted in pursuance of this Act, he shall be guilty of an offence and liable to a fine not exceeding ten pounds.

Provisions as to special regulations.

139.—(1) Printed copies of all special regulations for the time being in force in any factory or the prescribed abstract of such regulations shall be kept posted in the factory in such characters and in such positions as to be conveniently read by the persons employed in the factory.

(2) A printed copy of all such regulations shall be given by the occupier to any person affected thereby on his application.

General registers.

140.—(1) There shall be kept in every factory or in such place outside the factory as may be approved by the inspector for the district, a register in the prescribed form, called the general register, and there shall be entered in or attached to that register—

(*a*) the prescribed particulars as to the young persons employed in the factory; and

(*b*) the prescribed particulars as to the washing, whitewashing or colour washing, painting or varnishing, of the factory; and

(*c*) the prescribed particulars as to every accident and case of industrial disease occurring in the factory of which notice is required to be sent to an inspector; and

(*d*) particulars showing every exception under sections ninety-nine to one hundred and thirteen of this Act of which the occupier of the factory avails himself; and

(*e*) all reports and particulars required by any other provision of this Act to be entered in or attached to the general register; and

(*f*) such other matters as may be prescribed.

(2) There shall be attached to the general register the certificate of the fire authority relating to means of escape in the case of fire.

(3) The occupier of a factory shall send to an inspector such extracts from the general register as the inspector may from time to time require for the purpose of the execution of his duties under this Act.

Preservation of registers and records.

141. The general register and every other register or record kept in pursuance of this Act shall be preserved and shall be kept available for inspection by any inspector or by the appointed

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factory doctor for at least two years, or such other period as may be prescribed for any class or description of register or record, after the date of the last entry in the register or record.

Periodical return of persons employed.

142.—(1) The occupier of every factory shall, at intervals of not less than one year, on or before such days as the Minister may direct, send to the chief inspector a correct return specifying, with respect to such day or days, or such period as the Minister may direct, the number of persons employed in the factory, and giving such particulars as may be prescribed, as to the hours of employment of women and young persons employed, as to the age, sex, and occupation of all persons employed, and as to such other matters, if any, as the Minister may direct.

(2) The occupier of any place to which any of the provisions of this Act apply shall, if so required by the Minister, make a like return to the chief inspector.

(3) The Minister may, for the purpose of facilitating the rendering of the returns under this section by occupiers, arrange for the consolidation of those returns with any other returns which any Government department is empowered to call for from occupiers.

Duties of persons employed.

143.—(1) No person employed in a factory or in any other place to which any provisions of this Act apply shall wilfully interfere with or misuse any means, appliance, convenience or other thing provided in pursuance of this Act for securing the health, safety or welfare of the persons employed in the factory or place, and where any means or appliance for securing health or safety is provided for the use of any such person under this Act, he shall use the means or appliance.

(2) No person employed in a factory or in any other place to which any provisions of this Act apply shall wilfully and without reasonable cause do anything likely to endanger himself or others.

Weights, measures and weighing and measuring instruments used in ascertaining wages.

144.—(1) Every enactment for the time being in force relating to weights and measures or weighing or measuring instruments shall extend to weights, measures, and weighing instruments used in a factory for the purpose of checking or ascertaining the wages of any person employed therein, in like manner as if they were used for trade, and the power of the Board of Trade to make general regulations under section five of the Weights and Measures Act, 1904, shall include power to extend any of the provisions of any such enactment to such measuring instruments used in factories for the purposes aforesaid as may be specified in the regulations.

(2) Every inspector or other person authorised under the Acts relating to weights and measures or weighing or measuring instruments to inspect or examine weights and measures shall inspect, stamp, mark, search for, and examine the weights and measures and weighing and measuring instruments to which those Acts are extended by or under this section, and for that purpose shall have the same powers and duties as he has with respect to weights, measures and instruments used for trade.

PART XI

ADMINISTRATION

Appointment and duties of inspectors and clerks and servants.

145.—(1) The Minister, with the approval of the Treasury as to numbers and salaries, may appoint such inspectors (under whatever title he may from time to time determine) and such clerks and servants as he thinks necessary for the execution of this Act, and may assign to them their duties and award them their salaries, and may appoint a chief inspector with an office in London, and may regulate the cases and manner in which the inspectors, or any of them, are to execute and perform the powers and duties of inspectors under this Act, and may remove such inspectors, clerks, and servants.

(2) In the appointment of inspectors of factories in Wales and Monmouthshire, among candidates otherwise equally qualified, persons having a knowledge of the Welsh language shall be preferred.

(3) Notice of the appointment of every inspector shall be published in the London Gazette.

(4) A person who is the occupier of a factory, or is directly or indirectly interested therein or in any process or business carried on therein, or in a patent connected therewith, or is employed in or about a factory, shall not act as an inspector.

(5) An inspector shall not be liable to serve on any jury.

(6) Such annual report of the proceedings of the inspectors as the Minister directs shall be laid before both Houses of Parliament.

(7) Any notice or other document required by this Act to be sent to an inspector shall be sent to such inspector as the Minister directs by declaration published in the London Gazette or otherwise as he thinks expedient for making the direction known to all persons interested.

Powers of inspectors.

146.—(1) An inspector shall, for the purpose of the execution of this Act, have power to do all or any of the following things, that is to say:—

(*a*) to enter, inspect, and examine at all reasonable times, by day and night, a factory, and every part thereof,

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when he has reasonable cause to believe that any person is employed therein, and to enter by day any place which he has reasonable cause to believe to be a factory and any part of any building of which a factory forms part and in which he has reasonable cause to believe that explosive or highly inflammable materials are stored or used;

(*b*) to take with him a constable if he has reasonable cause to apprehend any serious obstruction in the execution of his duty;

(*c*) to require the production of the registers, certificates, notices, and documents kept in pursuance of this Act, and to inspect, examine, and copy any of them;

(*d*) to make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act and the enactments for the time being in force relating to public health are complied with, so far as respects a factory and any persons employed in a factory and any young persons to whom section one hundred and sixteen of this Act applies;

(*e*) to require any person whom he finds in a factory to give such information as it is in his power to give as to who is the occupier of the factory;

(*f*) to examine, either alone or in the presence of any other person, as he thinks fit, with respect to matters under this Act, every person whom he finds in a factory, or whom he has reasonable cause to believe to be or to have been within the preceding two months employed in a factory or in any employment mentioned in subsection (1) of the said section one hundred and sixteen and to require every such person to be so examined and to sign a declaration of the truth of the matters respecting which he is so examined; so, however, that no one shall be required under this provision to answer any question or to give any evidence tending to criminate himself;

(*g*) in the case of an inspector who is a fully registered medical practitioner, to carry out such medical examinations as may be necessary for the purposes of his duties under this Act;

(*h*) to exercise such other powers as may be necessary for carrying this Act into effect.

(2) The occupier of every factory, his agents and servants, shall furnish the means required by an inspector as necessary for an entry, inspection, examination, inquiry, the taking of samples, or otherwise for the exercise of his powers under this Act in relation to that factory.

(3) If any person wilfully delays an inspector in the exercise of any power under this section, or fails to comply with the requisition of an inspector in pursuance of this section, or to produce any register, certificate, notice or document which he is required by or in pursuance of this Act to produce, or wilfully withholds any information as to who is the occupier of any factory, or conceals or prevents, or attempts to conceal or prevent a person from appearing before or being examined by an inspector, that person shall be deemed to obstruct an inspector in the execution of his duties under this Act.

(4) Where an inspector is obstructed in the execution of his powers or duties under this Act, the person obstructing him shall be guilty of an offence, and liable to a fine not exceeding twenty pounds; and where an inspector is so obstructed in a factory, the occupier of that factory shall be guilty of an offence.

(5) Any certificate issued by a chief inspector, superintending inspector for a division, or an inspector for a district may be issued for a limited period or without limit of period and may be varied or revoked by that inspector or his successor in office.

Extension of s. 146 to warehouses.

147. The powers of an inspector under section one hundred and forty-six of this Act shall include the power to enter, inspect and examine at all reasonable times any warehouse and every part thereof—

(*a*) by day or night, when he has reasonable cause to believe that any young person is employed in or in connection with the warehouse in such circumstances that section one hundred and sixteen of this Act applies to him;

(*b*) by day, when he has reasonable cause to believe that any young person has within the preceding two months been employed as aforesaid, but not that any young person is so employed;

and for the purposes of the powers conferred by this section a warehouse shall be deemed to be included in the expression "factory" in paragraphs (*e*) and (*f*) of subsection (1) of the said section one hundred and forty-six and in subsections (2), (3) and (4) thereof.

Power of entry of officers of fire authorities and fire brigades.

148.—(1) The like powers of entry and inspection as are conferred by this Act on an inspector shall be exercisable—

(*a*) by any officer carrying out, in accordance with subsection (1) of section forty-seven of this Act, an examination under section forty or section forty-one thereof; and

(*b*) by an officer of the fire brigade maintained by a fire authority within the meaning of section forty-seven of this Act, when authorised in writing by an inspector,

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for the purpose of reporting to the inspector on any matter falling within the inspector's duties relating to fire;

and subsections (2) to (4) of section one hundred and forty-six of this Act shall apply in relation to such officers acting in pursuance of this section as they apply in relation to inspectors.

(2) An officer exercising any power conferred by this section shall, if asked to do so, produce his authority.

(3) An inspector shall not authorise an officer of a fire brigade to enter or inspect any premises except with the consent of the authority maintaining the brigade.

Power of inspector to conduct proceedings.

149. An inspector, if so authorised in writing under the hand of the Minister, may, although he is not of counsel, or a solicitor, prosecute, conduct or defend—

(*a*) before a magistrates' court in England or Wales, any information, complaint or other proceeding;

(*b*) before a court of summary jurisdiction in Scotland, any complaint, summary application or other proceeding;

arising under this Act, or in the discharge of his duty as inspector.

Certificate of appointment of inspector.

150. Every inspector shall be furnished with the prescribed certificate of his appointment, and when visiting a factory or place to which any of the provisions of this Act apply shall, if so required, produce the said certificate to the occupier or other person holding a responsible position of management at the factory.

Appointed factory doctors.

151.—(1) Subject to any general directions of the Minister, the chief inspector or, in cases where the Minister so directs, a superintending inspector for a division, may appoint a sufficient number of fully registered medical practitioners to be appointed factory doctors for any of the purposes of this Act, and may revoke any such appointment.

(2) Every appointment and revocation of appointment of an appointed factory doctor may be annulled by the Minister upon appeal to him for that purpose.

(3) A medical practitioner who is the occupier of a factory, or is directly or indirectly interested therein, or in any process or business carried on therein, or in a patent connected therewith, shall not act as appointed factory doctor for that factory; but nothing in this subsection shall, except in such cases and for such purposes as may be prescribed, prevent a medical practitioner appointed to act as appointed factory doctor for any factory from so acting by reason only of the fact that he is employed by the occupier of the factory in connection with the medical supervision of persons employed in the factory.

(4) The appointed factory doctor for any factory shall have power at all reasonable times to inspect the general register of that factory.

(5) The Minister may make rules regulating the duties of appointed factory doctors.

(6) An appointed factory doctor shall, if so directed by the Minister, make such special inquiry and examination of employed persons as may be directed.

(7) Every appointed factory doctor shall each year make at the prescribed time a report in the prescribed form to the Minister as to examinations made and other duties performed by him in pursuance of this Act.

(8) If and so long as there is no appointed factory doctor for a factory, the medical officer of health for the administrative county or county borough in which the factory is situate or such other medical officer of the council of that county or county borough as he may designate for the purpose, shall act as the appointed factory doctor for that factory.

(9) In the application of this section to Scotland, for the references in subsection (8) to an administrative county or county borough there shall be substituted respectively references to a county and a large burgh; and for the purposes of that subsection a small burgh shall be included within the county in which it is situate.

Fees of appointed factory doctors.

152. The fees to be paid to appointed factory doctors for carrying out their duties under this Act shall, so far as they relate to any examination or certificate with respect to the fitness of a young person for employment in a factory or to any examination or medical supervision of persons employed in a factory carried out in pursuance of regulations or an order under this Act, be paid by the occupier of that factory, and in any other case shall be defrayed as expenses of carrying this Act into effect, and the fees shall, subject to any agreement between the appointed factory doctor and the occupier of a factory as respects the fees payable by the occupier, be of such amount as may be determined by the Minister.

Provisions as to county and district councils.

153.—(1) The medical officer of health of every district council shall—

(*a*) in his annual report to the council report specifically on the administration of, and furnish the prescribed particulars with respect to, the matters under Part I and Part VIII of this Act which are administered by the district council, and shall send a copy of his annual report or so much of it as deals with those matters to the Minister; and

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(*b*) give written notice to the inspector for the district of any factory coming to his knowledge in which no abstract of this Act is affixed in accordance with this Act.

(2) An officer of any district council appointed for the purpose of inspection of factories shall give a written notice to the inspector for the district of any factory coming to his knowledge in which no abstract of this Act is affixed in accordance with this Act.

(3) For the purpose of their duties under this Act, a county council and a district council and their officers shall, without prejudice to their other powers, have all such powers of entry, inspection, taking (except in Scotland) legal proceedings, or otherwise, as an inspector has, and accordingly, in relation to those duties the provisions of this Act as to furnishing means required by an inspector, and delaying or obstructing an inspector, shall be construed as including references to such officers; but no such powers of entry or inspection shall be exercised except by officers of the council authorised by them in writing in that behalf, either generally or specially, and any such officer shall if so required produce his authority to the occupier or other person holding a responsible position of management at the factory.

Prohibition of disclosure of information.

154. If any person who, in pursuance of powers conferred by section one hundred and forty-eight or section one hundred and fifty-three of this Act, is admitted into any factory or place discloses to any person any information obtained by him in the factory or place with regard to any manufacturing process or trade secret, he shall, unless the disclosure was made in the performance of his duty, be guilty of an offence and liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.

PART XII

OFFENCES, PENALTIES AND LEGAL PROCEEDINGS

Offences.

155.—(1) In the event of any contravention in or in connection with or in relation to a factory of the provisions of this Act, or of any regulation or order made thereunder, the occupier, or (if the contravention is one in respect of which the owner is by or under this Act made responsible) the owner, of the factory shall, subject to the following provisions of this Part of this Act, be guilty of an offence.

(2) In the event of a contravention by an employed person of the provisions of Part X of this Act with respect to duties of persons employed or of a contravention by any person of

any regulation or order made under this Act which expressly imposes any duty upon him, that person shall be guilty of an offence and the occupier or owner, as the case may be, shall not be guilty of an offence, by reason only of the contravention of the said provisions of Part X of this Act, or the contravention of the provision imposing the said duty, as the case may be, unless it is proved that he failed to take all reasonable steps to prevent the contravention; but this subsection shall not be taken as affecting any liability of the occupier or owner in respect of the same matters by virtue of some provision other than the provisions or provision aforesaid.

(3) If the occupier of a factory avails himself of any exception allowed by or under this Act and fails to comply with any of the conditions attached to the exception, he shall be deemed to have contravened the provisions of this Act.

(4) If any persons are employed in a factory otherwise than in accordance with the provisions of this Act or of any regulation or order made thereunder, there shall be deemed to be a separate contravention in respect of each person so employed.

(5) Where an offence under this Act committed by a company is proved to have been committed with the consent or connivance of, or to have been facilitated by any neglect on the part of, any director, manager, secretary or other officer of the company, he, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Fines for offences for which no express penalty provided.

156.—(1) Subject to the following provisions of this Part of this Act, any person guilty of an offence under this Act for which no express penalty is provided by this Act shall be liable—

(*a*) if he is an employed person, to a fine not exceeding fifteen pounds;

(*b*) in any other case, to a fine not exceeding sixty pounds;

and if the contravention in respect of which he was convicted is continued after the conviction he shall (subject to the provisions of section one hundred and fifty-seven of this Act) be guilty of a further offence and liable in respect thereof to a fine not exceeding fifteen pounds for each day on which the contravention is so continued.

(2) In relation to a contravention which was likely to cause the death of, or bodily injury to, any person, subsection (1) of this section shall have effect as if for the references in paragraphs (*a*) and (*b*) to fifteen pounds and sixty pounds there were respectively substituted references to seventy-five pounds and three hundred pounds.

PART XII

Power of court to order cause of contravention to be remedied.

157. Where the occupier or owner of a factory is convicted of an offence under this Act, the court may, in addition to or instead of inflicting a fine, order him, within the time specified in the order, to take such steps as may be so specified for remedying the matters in respect of which the contravention occurred, and may, on application, enlarge the time so specified, and where such an order is made, the occupier or owner shall not be liable under this Act in respect of the continuation of the contravention during the time allowed by the court, but if, after the expiration of that time as originally specified or enlarged by subsequent order, the order is not complied with, the occupier or owner, as the case may be, shall be liable to a fine not exceeding ten pounds for each day on which the non-compliance continues.

Fine for offence by parent.

158. If a young person is employed in any factory in contravention of the provisions of this Act, the parent of the young person shall be guilty of an offence and liable to a fine not exceeding ten pounds, unless it appears to the court that the contravention occurred without the consent, connivance, or wilful default of the parent.

Forgery of certificates, false entries, and false declarations.

159. If any person—

(*a*) forges or counterfeits any certificate required by, under, or for the purposes of, this Act or any order or regulation made thereunder;

(*b*) gives or signs any such certificate knowing it to be false in any material particular;

(*c*) knowingly utters or makes use of any such certificate so forged, counterfeited, or false as aforesaid;

(*d*) knowingly utters or makes use of as applying to any person any such certificate which does not so apply;

(*e*) personates any person named in any such certificate;

(*f*) falsely pretends to be an inspector;

(*g*) wilfully connives at any such forging, counterfeiting, giving, signing, uttering, making use, personating or pretending as aforesaid;

(*h*) wilfully makes a false entry in any register, notice, certificate, or document required by, under or for the purposes of this Act or any order or regulation made thereunder to be kept or served or sent;

(*j*) wilfully makes or signs a false declaration required by, under or for the purposes of this Act or any order or regulation made thereunder;

(*k*) knowingly makes use of any such false entry or declaration as aforesaid;

he shall, without prejudice to any other penalty, be guilty of an offence under this Act, and liable to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months.

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Penalty on person actually committing an offence for which other person is primarily liable.

160.—(1) Where an act or default for which any person is liable under this Act is in fact the act or default of some other person, that other person shall be guilty of an offence and liable, subject to subsection (2) of this section, to the like fine as if he were the first-mentioned person.

(2) The fine that may be imposed under subsection (1) of this section on an employed person where the offence is one for which no express penalty is provided by this Act shall be that specified in section one hundred and fifty-six of this Act in relation to employed persons, notwithstanding that the person primarily liable is not an employed person.

Power of person primarily liable to exempt himself from liability.

161.—(1) In England and Wales, a person charged with an offence under this Act shall be entitled, upon information duly laid by him and on giving to the prosecution not less than three days' notice in writing of his intention, to have any other person whom he charges as the actual offender brought before the court at the time appointed for the hearing of the charge; and if, after the commission of the offence has been proved, the first-mentioned person proves to the satisfaction of the court—

(*a*) that he has used all due diligence to enforce the execution of this Act and of any relevant order or regulation made thereunder; and

(*b*) that the said other person had committed the offence in question without his consent, connivance, or wilful default;

that other person shall be summarily convicted of the offence, and the first-mentioned person shall not be guilty of the offence, and the person so convicted shall, in the discretion of the court, be also liable to pay any costs incidental to the proceedings.

(2) The prosecution shall have the right in any such case to cross-examine the first-mentioned person if he gives evidence and any witnesses called by him in support of his charge, and to call rebutting evidence.

(3) In Scotland, a person charged with an offence under this Act who proves to the satisfaction of the court that he has used all due diligence to enforce the execution of this Act and of any relevant order or regulation made thereunder and that the offence was due to the act or default of some other person who committed it without his consent, connivance or wilful default, shall be acquitted of the offence.

(4) When it is made to appear to the satisfaction of an inspector at the time of discovering an offence—

(*a*) that the person who would be proceeded against apart from this subsection has used all due diligence to enforce the execution of this Act; and

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(*b*) by what person the offence has been committed; and

(*c*) that it has been committed without the consent, connivance or wilful default of the first-mentioned person and in contravention of his orders,

the inspector shall proceed against the person whom he believes to be the actual offender without first proceeding against the first-mentioned person.

Proceedings against persons not primarily liable.

162. Where, under this Act, any person is substituted for another with respect to any provisions of this Act, any order, summons, notice or proceeding which for the purpose of any of those provisions is by or under this Act required or authorised to be served on or taken in relation to that other person, is hereby required or authorised (as the case may be) to be served on or taken in relation to the first-mentioned person.

Owner of machine liable in certain cases instead of occupier.

163. Where in a factory the owner or hirer of a machine or implement moved by mechanical power is some person other than the occupier of the factory the owner or hirer shall, so far as respects any offence under this Act committed in relation to a person who is employed in or about or in connection with that machine or implement, and is in the employment or pay of the owner or hirer, be deemed to be the occupier of the factory.

Prosecution of offences and application of fines.

164.—(1) All offences under this Act shall be triable summarily.

(2) In any proceedings under this Act it shall be sufficient in the information or, in Scotland, complaint to allege that the factory is a factory within the meaning of this Act and to state the name of the ostensible occupier of the factory, or, where the occupier is a firm, the title of the firm.

(3) The court shall in any proceedings under this Act, if required by either party, cause minutes of the evidence to be taken and preserved.

(4) Where, with respect to or in consequence of any accident in a factory, a report is made by the court appointed to hold a formal investigation under this Act or under the Boiler Explosions Acts, 1882 and 1890, or a coroner's inquest or a public inquiry under the Fatal Accidents Inquiry (Scotland) Act, 1895, or the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act, 1906, is held, and it appears from the report, or from the proceedings at the inquest or inquiry, that any of the provisions of this Act, or any orders or regulations made thereunder, were not complied with at or before the time of the accident, summary proceedings against any person liable to be proceeded against in respect of the non-compliance may be commenced at any time within three months after the making of the report or the conclusion of the inquest or inquiry.

(5) Where any offence is committed under this Act by reason of a failure to make an examination, enter a report, or do any other thing, at or within a time specified by this Act or any regulation or order made thereunder, the offence shall be deemed to continue until the examination is made, or the report entered, or the other thing done, as the case may be.

(6) Any sum paid to the Secretary of State in pursuance of section twenty-seven of the Justices of the Peace Act, 1949, in respect of a fine recovered under this Act shall be deemed to be Exchequer moneys within the meaning of that section and shall be paid by the Secretary of State into the Exchequer; and all fines imposed in Scotland in respect of offences under this Act shall be paid into the Exchequer.

(7) Where a proceeding is taken before a magistrates' court or other court of summary jurisdiction with respect to an offence under this Act alleged to be committed in or with reference to a factory, no person shall be qualified to act as a member of the court who is the occupier or owner of the factory, or the husband, wife, parent, son, daughter, brother, or sister of the occupier or owner of the factory, or a person engaged in, or an officer of any association of persons engaged in, the same trade or occupation as any person charged with the offence.

Appeal from orders made on complaint.

165. Any person aggrieved by an order made by a magistrates' court on determining a complaint under this Act may appeal therefrom to a court of quarter sessions.

Special provisions as to evidence.

166.—(1) If a person is found in a factory at any time at which work is going on or the machinery is in motion, except during the intervals for meals or rest, he shall, until the contrary is proved, be deemed for the purposes of this Act to have been then employed in the factory, unless the factory is one in which the only persons employed are members of the same family dwelling there.

(2) Where in any proceedings under this Act with respect to a young person it appears to the court that that young person is apparently of or below the age alleged by the informant, or, in Scotland, by the prosecutor, it shall lie on the accused to prove that the young person is not of or below that age.

(3) Where any entry is required by this Act or by any order or regulations made thereunder to be made in the general register or in any other register or record, the entry made by the occupier of a factory or on his behalf shall, as against him, be admissible as evidence of the facts therein stated, and the fact that any entry so required with respect to the observance of any provision of this Act or of any order or regulation made thereunder has not been made, shall be admissible as evidence that that provision has not been observed.

PART XII
Proceedings for offences in respect of the employment of children.

167. For the purposes of any proceedings under this Act in respect of the employment of children in contravention of section fourteen of the Education Act, 1918, section seventeen of the Education (Scotland) Act, 1918, or section one of the Employment of Women, Young Persons, and Children Act, 1920, or any other enactment prohibiting the employment of children which is incorporated with this Act, references in this Part of this Act to young persons shall be construed as including references to children within the meaning of any such enactment.

Service of documents, etc.

168.—(1) Any document (including any summons or order) required or authorised to be served under this Act may be served—

(*a*) on any person by delivering it to him, or by leaving it at, or sending it by post to, his residence;

(*b*) on any firm by delivering it to any partner of the firm, or by leaving it at, or sending it by post to, the office of the firm;

(*c*) on the owner or occupier of a factory (including any such owner or occupier being a company to which the Companies Act, 1948, applies), in any such manner as aforesaid, or by delivering it, or a true copy thereof, to any person apparently not under the age of sixteen years at the factory.

(2) Any such document may be addressed for the purpose of the service thereof on the occupier of a factory, to "the occupier" at the proper postal address of the factory, without further name or description.

(3) The foregoing provisions of this section shall apply with the necessary modifications to documents required or authorised under this Act to be sent to any person, firm, owner or occupier, and to the sending, addressing, and delivery of such documents.

Power of county court or sheriff to modify agreements.

169. If by reason of an agreement between the owner and the occupier of premises the whole or any part of which has been let as a factory the owner or occupier is prevented from carrying out any structural or other alterations in the premises which are necessary to enable him to comply with the provisions of this Act or of any regulation or order made under this Act or in order to conform with any standard or requirement imposed by or under this Act, he may apply to the county court or, in Scotland, the sheriff, and the court or sheriff, after hearing the parties and any witnesses whom they desire to call, may make such an order setting aside or modifying the terms of the agreement as the court or sheriff considers just and equitable in the circumstances of the case.

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Power of county court or sheriff to apportion expenses.

170. Where in any premises the whole or any part of which has been let as a factory any structural or other alterations are required in order to comply with the provisions of this Act or of any regulation or order made under this Act or in order to conform with any standard or requirement imposed by or under this Act and the owner or occupier as the case may be alleges that the whole or part of the expenses of the alterations ought to be borne by the occupier or owner, the owner or occupier may apply to the county court or, in Scotland, the sheriff, and the court or sheriff, after hearing the parties and any witnesses whom they may desire to call, may make such an order concerning the expenses or their apportionment as the court or sheriff considers just and equitable in the circumstances of the case, regard being had to the terms of any contract between the parties, or in the alternative the court or sheriff may at the request of the owner or occupier determine the lease.

Application of Arbitration Act, 1950.

171. The Arbitration Act, 1950, shall not apply to proceedings under this Act except in so far as it may be applied by regulations made under this Act.

PART XIII

APPLICATION OF ACT

General application.

172. Save as in this Act otherwise expressly provided, the provisions of this Act shall apply only to factories as defined by this Act, but shall, except where the contrary intention appears, apply to all such factories.

Application to Crown.

173.—(1) This Act applies to factories belonging to or in the occupation of the Crown, to building operations and works of engineering construction undertaken by or on behalf of the Crown, and to the employment by or under the Crown of persons in painting buildings; but in case of any public emergency the Minister may, by order, to the extent and during the period named in the order exempt from this Act any factory belonging to the Crown or any building operations or works of engineering construction undertaken by or on behalf of the Crown, or any factory in respect of work which is being done on behalf of the Crown.

(2) The powers conferred by this Act on a district council or other local authority shall, in the case of a factory belonging to or in the occupation of the Crown, or building operations or works of engineering construction undertaken by or on behalf of the Crown, be exercised by an inspector under this Act; and any notice required by this Act to be sent to a district council shall in any such case be sent to the inspector for the district.

PART XIII
Mines and quarries.

174.—(1) In section one hundred and eighty-four of the Mines and Quarries Act, 1954 (which relates to premises forming part of a mine or quarry which, but for that fact, would be factories or premises treated in some respect as if they were factories) the words " the Factories Act, 1961 " shall be substituted for the words " the Factories Acts, 1937 and 1948 ", wherever they occur, and for the words " the Factories Act, 1937 " in subsection (7); and for subsection (5) there shall be substituted the following subsection:—

" (5) References in subsections (1) to (4) of this section to provisions of the Factories Act, 1961, shall be construed as exclusive of references to section one hundred and twenty-seven (which applies other provisions of that Act to building operations and works of engineering construction) and to the other provisions of that Act in so far as, by virtue of that section, they are applicable to such operations or works; but the said section shall not apply—

(*a*) to any building operations undertaken below ground in a mine; or

(*b*) to any works of engineering construction undertaken at a mine (whether above or below ground) or at a quarry ".

(2) The Minister may make arrangements with the Minister of Power, with respect to any premises or place in or adjacent to a quarry or mine, for the exercise and performance by the Minister of Power of any of the powers and duties of the Minister under this Act and for the exercise and performance by the Minister of any of the powers and duties of the Minister of Power relating to quarries and mines, and it shall be lawful for the Minister of Power and his officers and the Minister and his officers respectively to exercise and perform the said powers and duties in accordance with the arrangements.

PART XIV

INTERPRETATION AND GENERAL

Interpretation

Interpretation of expression " factory ".

175.—(1) Subject to the provisions of this section, the expression " factory " means any premises in which, or within the close or curtilage or precincts of which, persons are employed in manual labour in any process for or incidental to any of the following purposes, namely:—

(*a*) the making of any article or of part of any article; or

(*b*) the altering, repairing, ornamenting, finishing, cleaning, or washing or the breaking up or demolition of any article; or

(*c*) the adapting for sale of any article;

(*d*) the slaughtering of cattle, sheep, swine, goats, horses, asses or mules; or

(*e*) the confinement of such animals as aforesaid while awaiting slaughter at other premises, in a case where the place of confinement is available in connection with those other premises, is not maintained primarily for agricultural purposes within the meaning of the Agriculture Act, 1947, or, as the case may be, the Agriculture (Scotland) Act, 1948, and does not form part of premises used for the holding of a market in respect of such animals;

being premises in which, or within the close or curtilage or precincts of which, the work is carried on by way of trade or for purposes of gain and to or over which the employer of the persons employed therein has the right of access or control.

(2) The expression "factory" also includes the following premises in which persons are employed in manual labour (whether or not they are factories by virtue of subsection (1) of this section), that is to say,—

(*a*) any yard or dry dock (including the precincts thereof) in which ships or vessels are constructed, reconstructed, repaired, refitted, finished or broken up;

(*b*) any premises in which the business of sorting any articles is carried on as a preliminary to the work carried on in any factory or incidentally to the purposes of any factory;

(*c*) any premises in which the business of washing or filling bottles or containers or packing articles is carried on incidentally to the purposes of any factory;

(*d*) any premises in which the business of hooking, plaiting, lapping, making-up or packing of yarn or cloth is carried on;

(*e*) any laundry carried on as ancillary to another business, or incidentally to the purposes of any public institution;

(*f*) except as provided in subsection (10) of this section, any premises in which the construction, reconstruction or repair of locomotives, vehicles or other plant for use for transport purposes is carried on as ancillary to a transport undertaking or other industrial or commercial undertaking;

(*g*) any premises in which printing by letterpress, lithography, photogravure, or other similar process, or bookbinding is carried on by way of trade or for purposes of gain or incidentally to another business so carried on;

PART XIV

(*h*) any premises in which the making, adaptation or repair of dresses, scenery or properties is carried on incidentally to the production, exhibition or presentation by way of trade or for purposes of gain of cinematograph films or theatrical performances, not being a stage or dressing-room of a theatre in which only occasional adaptations or repairs are made;

(*j*) any premises in which the business of making or mending nets is carried on incidentally to the fishing industry;

(*k*) any premises in which mechanical power is used in connection with the making or repair of articles of metal or wood incidentally to any business carried on by way of trade or for purposes of gain;

(*l*) any premises in which the production of cinematograph films is carried on by way of trade or for purposes of gain, so, however, that the employment at any such premises of theatrical performers within the meaning of the Theatrical Employers Registration Act, 1925, and of attendants on such theatrical performers shall not be deemed to be employment in a factory;

(*m*) any premises in which articles are made or prepared incidentally to the carrying on of building operations or works of engineering construction, not being premises in which such operations or works are being carried on;

(*n*) any premises used for the storage of gas in a gasholder having a storage capacity of not less than five thousand cubic feet.

(3) Any line or siding (not being part of a railway or tramway) which is used in connection with and for the purposes of a factory, shall be deemed to be part of the factory; and if any such line or siding is used in connection with more than one factory belonging to different occupiers, the line or siding shall be deemed to be a separate factory.

(4) A part of a factory may, with the approval in writing of the chief inspector, be taken to be a separate factory and two or more factories may, with the like approval, be taken to be a single factory.

(5) Any workplace in which, with the permission of or under agreement with the owner or occupier, two or more persons carry on any work which would constitute the workplace a factory if the persons working therein were in the employment of the owner or occupier, shall be deemed to be a factory for the purposes of this Act, and, in the case of any such workplace not being a tenement factory or part of a tenement factory, the provisions of this Act shall apply as if the owner or occupier of the workplace were the occupier of the factory and the persons working therein were persons employed in the factory.

(6) Where a place situate within the close, curtilage, or precincts forming a factory is solely used for some purpose other than the processes carried on in the factory, that place shall not be deemed to form part of the factory for the purposes of this Act, but shall, if otherwise it would be a factory, be deemed to be a separate factory.

(7) Premises shall not be excluded from the definition of a factory by reason only that they are open air premises.

(8) Where the Minister by regulations so directs as respects all or any purposes of this Act, different branches or departments of work carried on in the same factory shall be deemed to be different factories.

(9) Any premises belonging to or in the occupation of the Crown or any municipal or other public authority shall not be deemed not to be a factory, and building operations or works of engineering construction undertaken by or on behalf of the Crown or any such authority shall not be excluded from the operation of this Act, by reason only that the work carried on thereat is not carried on by way of trade or for purposes of gain.

(10) Premises used for the purpose of housing locomotives or vehicles where only cleaning, washing, running repairs or minor adjustments are carried out shall not be deemed to be a factory by reason only of paragraph (*f*) of subsection (2) of this section, unless they are premises used for the purposes of a railway undertaking where running repairs to locomotives are carried out.

General interpretation.

176.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

"bakehouse" means any place in which bread, biscuits or confectionery is or are baked by way of trade or for purposes of gain;

"bank holiday" means a holiday under the Holidays Extension Act, 1875;

"bodily injury" includes injury to health;

"building operation" means the construction, structural alteration, repair or maintenance of a building (including re-pointing, re-decoration and external cleaning of the structure), the demolition of a building, and the preparation for, and laying the foundation of, an intended building, but does not include any operation which is a work of engineering construction within the meaning of this Act;

"calendar year" means the period of twelve months beginning with the first day of January in any year;

PART XIV

"chief inspector" means the chief inspector appointed under this Act, and includes a deputy chief inspector;

"child" means any person who is not for the purposes of the Education Act, 1944, over compulsory school age (or for the purposes of the Education (Scotland) Act, 1946, over school age);

"class or description", in relation to factories, includes a group of factories described by reference to locality;

"contravention" includes, in relation to any provision, a failure to comply with that provision, and the expression "contravene" shall be construed accordingly;

"cotton cloth factory" means any room, shed or workshop, or part thereof, in which the weaving of cotton cloth is carried on;

"degrees" means degrees Fahrenheit;

"district council" means, as respects England and Wales, the council of a borough or county district, and, as respects Scotland, the council of a county or the town council of a burgh;

"driving-belt" includes any driving strap or rope;

"fume" includes gas or vapour;

"general register" means the register kept in accordance with the requirements of section one hundred and forty of this Act;

"humid factory" means a factory in which atmospheric humidity is artificially produced by steaming or other means in connection with any textile process;

"inspector" means, except where otherwise expressed, an inspector appointed under this Act, and a reference to the inspector for the district or to the superintending inspector for the division refers, as respects any factory, to the inspector in charge of the district, or the superintending inspector in charge of the division. in which the factory is situate;

"machinery" includes any driving-belt;

"magistrates' court" has the same meaning as in the Magistrates' Courts Act, 1952;

"maintained" means maintained in an efficient state, in efficient working order, and in good repair;

"the Minister" means the Minister of Labour;

"owner"—

(*a*) as respects England and Wales, means the person for the time being receiving the rackrent of the premises in connection with which the word is used,

whether on his own account or as agent or trustee for another person, or who would so receive the rackrent if the premises were let at a rackrent; and

(*b*) as respects Scotland, means the person for the time entitled to receive or who would, if the same were let, be entitled to receive, the rents of the premises, and includes a trustee, factor, tutor or curator, and in the case of public or municipal property, applies to the persons to whom the management thereof is entrusted;

"parent" means a parent or guardian of, or person having the legal custody of, or the control over, a child or young person, and includes, in relation to any child or young person, any person having direct benefit from his wages;

"period of employment" means the period (inclusive of the time allowed for meals and rest) within which persons may be employed on any day;

"prescribed" means prescribed by order of the Minister;

"prime mover" means every engine, motor or other appliance which provides mechanical energy derived from steam, water, wind, electricity, the combustion of fuel or other source;

"process" includes the use of any locomotive;

"railway" means any railway used for the purposes of public traffic whether passenger, goods, or other traffic and includes any works of the railway company connected with the railway;

"railway company" includes the British Transport Commission and a company or person working a railway under lease or otherwise;

"sanitary conveniences" includes urinals, water-closets, earthclosets, privies, ashpits, and any similar convenience;

"special regulations" means regulations with respect to which the Fourth Schedule to this Act has effect;

"ship", "vessel", and "harbour" have the same meanings as in the Merchant Shipping Act, 1894;

"tenement factory" means any premises where mechanical power from any prime mover within the close or curtilage of the premises is distributed for use in manufacturing processes to different parts of the same premises occupied by different persons in such manner that those parts constitute in law separate factories;

PART XIV

tramway" means a tramway authorised by or under any Act of Parliament and used for the purpose of public traffic;

"transmission machinery" means every shaft, wheel, drum, pulley, system of fast and loose pulleys, coupling, clutch, driving-belt or other device by which the motion of a prime mover is transmitted to or received by any machine or appliance;

"week" means the period between midnight on Saturday night and midnight on the succeeding Saturday night;

"woman" means a woman who has attained the age of eighteen;

"work of engineering construction" means the construction of any railway line or siding otherwise than upon an existing railway, and the construction, structural alteration or repair (including re-pointing and re-painting) or the demolition of any dock, harbour, inland navigation, tunnel, bridge, viaduct, waterworks, reservoir, pipe-line, aqueduct, sewer, sewage works, or gasholder, except where carried on upon a railway or tramway, and includes such other works as may be specified by regulations of the Minister;

"young person" means a person who has ceased to be a child but has not attained the age of eighteen.

(2) For the purposes of this Act, machinery or plant shall be deemed to have been constructed or reconstructed, and a factory or building to have been constructed, reconstructed, extended, added to, or converted for use as a factory, before any date, if the construction, reconstruction, extension, addition, or conversion was begun before that date.

(3) For the purposes of this Act, a factory shall not be deemed to be a factory in which mechanical power is used by reason only that mechanical power is used for the purpose of heating, ventilating or lighting the workrooms or other parts of the factory.

(4) A woman, young person, or child who works in a factory, whether for wages or not, either in a process or in cleaning any part of the factory used for any process, or in cleaning or oiling any part of the machinery or plant, or in any other kind of work whatsoever incidental to or connected with the process, or connected with the article made or otherwise the subject of the process therein, shall, save as is otherwise provided by this Act, be deemed to be employed therein for the purposes of this Act or of any proceedings thereunder, except that a woman employed solely in cleaning a factory or any part thereof, otherwise than in cleaning which is incidental to or connected with any process, shall not be deemed for the purposes of Part VI of this Act to be employed in the factory.

(5) A young person who works in a factory, whether for wages or not, in collecting, carrying or delivering goods, carrying messages or running errands shall be deemed to be employed in the factory for the purposes of this Act or of any proceedings thereunder, but the provisions of Part VI of this Act shall not apply, except as expressly provided, to any such young person who is employed mainly outside the factory.

(6) For the purposes of this Act, employment shall be deemed to be continuous unless interrupted by an interval of at least half an hour.

(7) For the purposes of this Act, an apprentice shall be deemed to be a person employed.

(8) This Act shall in its application to London have effect as if for references to district councils there were substituted, as respects the City of London references to the common council, and as respects the remainder of the administrative county of London, references to metropolitan borough councils.

(9) References in this Act to any enactment shall be construed as references to that enactment as amended by any subsequent enactment, including this Act.

General

Promotion of health, safety and welfare.

177.—(1) The Minister shall promote health, safety and welfare in factories and premises and operations to which this Act applies by collecting and disseminating information and by investigating or assisting in the investigation of problems of health, safety and welfare; and for the purpose of investigating such problems he may provide and maintain such laboratories and other services as appear to him requisite.

(2) The Minister may appoint persons to advise him in connection with his functions under this section and may pay to any such person such travelling and other allowances, including compensation for loss of remunerative time, as he may with the approval of the Treasury determine.

Certificates of birth.

178.—(1) Where the age of any person is required to be ascertained or proved for the purposes of this Act, any person shall, on presenting a written requisition in such form and containing such particulars as the Minister of Housing and Local Government or, as respects Scotland, the Secretary of State may by regulations prescribe and on payment of a fee of sixpence, be entitled to obtain a certified extract under the hand of a registrar or superintendent registrar of births and deaths of the entry in the register under the Births and Deaths Registration Act, 1953, or the Registration of Births, Deaths and Marriages (Scotland) Acts, 1854 to 1938, of the birth of that person.

PART XIV

(2) A form of such a requisition shall on request be supplied without charge by every superintendent registrar and registrar of births and deaths.

Inspection of certain premises.

179. Where in any premises which are subject to inspection by or under the authority of any Government department any manual labour is exercised, otherwise than for the purposes of instruction, in or incidental to the making, altering, repairing, ornamenting, finishing, washing, cleaning, or adapting for sale, of any article, and the premises do not constitute a factory, the Minister may arrange with the department that the premises shall, as respects the matters dealt with by this Act, be inspected by an inspector appointed under this Act, and where such an arrangement is made, such inspectors shall have, as respects such matters as aforesaid, the like right of entry and inspection as is conferred on inspectors or other officers of the department concerned.

Regulations, rules and orders.

180.—(1) Any regulations, rules or orders made under this Act shall be made by statutory instrument, except an order applicable only to particular persons, premises, boilers, employment, operations or work or to persons employed at particular premises or on work supervised from particular premises.

(2) Any statutory instrument containing regulations under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) Any power conferred by this Act to make regulations, rules or orders shall include power to make different provisions in relation to different circumstances.

(4) Any power conferred by this Act to make an order shall include power to revoke such an order by a subsequent order.

(5) Any power conferred by the provisions of this Act specified in the first column of the Third Schedule to this Act to prescribe standards as to the matters mentioned in the second column of that Schedule may be exercised either—

(*a*) so that conformity to the prescribed standard is to be both obligatory and a sufficient compliance with the requirements of this Act for the purposes of which the standard is prescribed; or

(*b*) so that conformity to the prescribed standard is to be obligatory, but is not necessarily to be taken as a sufficient compliance with those requirements.

(6) Any power conferred by this Act to prescribe standards or impose requirements shall include power to do so by reference to the approval of the chief inspector.

(7) Any power to make regulations, rules or orders conferring or providing for exemptions from any requirement of this Act or of an instrument made thereunder shall include power to provide for particular exemptions to be granted, either unconditionally or subject to conditions, by an inspector, and a power to impose any requirement by an instrument under this Act shall include power to provide for exemptions from the requirement in special circumstances.

(8) Where this Act provides for its enforcement with respect to any matters by some other officer than an inspector, then with respect to those matters subsection (7) of this section shall have effect with the substitution of a reference to that officer for the reference to an inspector.

(9) Any regulations or order made by the Minister under this Act may be made for a limited period or without limit of period and may be made subject to such conditions as he thinks fit, and may contain such supplemental and consequential provisions as he considers necessary for giving full effect to the regulations or order.

(10) The provisions of the Fourth Schedule to this Act shall have effect with respect to regulations referred to in this Act as special regulations.

Substitution of corresponding provisions for certain provisions of Factory and Workshop Act, 1901.

181.—(1) The provisions contained in the Fifth Schedule to this Act (being provisions of the Factory and Workshop Act, 1901, which do not apply in England outside the administrative county of London, set out with the necessary modifications) shall have effect in Scotland and in the administrative county of London in lieu of the corresponding provisions repealed by the Factories Act, 1937, and shall be enforced by the district council.

(2) Section ten of this Act shall apply with respect to those provisions as it applies with respect to the provisions of Part I of this Act, except that references in that section to the Minister and to an inspector shall, for the purposes of the application thereof under this section, be construed as references to the Minister of Housing and Local Government (or, in Scotland, the Secretary of State) and to an officer appointed by him, and any such officer shall have the like powers as an inspector.

(3) In this section, section ten of this Act as applied by this section, and the Fifth Schedule to this Act, as they apply in Scotland, "district council" means a county council or the town council of a large burgh; and for the purposes of those provisions a small burgh shall be included within the county in which it is situate.

PART XIV
General application to Scotland.

182.—(1) The provisions of this section shall, in addition to any express provision for the application to Scotland of any provision of this Act, have effect for the general application of this Act to Scotland.

(2) In this Act the expressions "large burgh" and "small burgh" have the like meanings as in the Local Government (Scotland) Act, 1947.

(3) All matters required by this Act to be published in the London Gazette shall, if they relate to Scotland, be published in the Edinburgh Gazette either in addition or in substitution, as the case may require.

(4) Any offence against this Act for which the maximum penalty that may be imposed does not exceed ten pounds may be prosecuted in any court of summary jurisdiction within the meaning of the Summary Jurisdiction (Scotland) Act, 1954, having jurisdiction in the place where the offence was committed.

(5) The district council responsible for enforcing any provision of this Act may prosecute in respect of any offence against such a provision committed within their district, and may appear in any proceedings instituted by them under this Act by their clerk or other officer duly authorised in that behalf.

(6) It shall not be an objection to the competency of an inspector or of any person prosecuting in pursuance of the power conferred by subsection (5) of this section to give evidence as a witness in any prosecution for an offence against this Act that the prosecution is brought at his instance, or conducted by him.

(7) Every person convicted of an offence against this Act may be found liable in expenses.

(8) Section twenty-nine of the Public Health (Scotland) Act, 1897, shall not apply in relation to any factory within the meaning of this Act.

(9) The powers conferred by this Act on county and town councils and their officers shall, for the purposes of their duties under the Public Health (Scotland) Act, 1897, extend to factories within the meaning of that Act.

Transitional provisions and repeals.

183.—(1) This Act shall have effect subject to the provisions of the Sixth Schedule to this Act.

(2) The enactments specified in the Seventh Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

PART XIV
Construction of references in other enactments to factories and workshops, etc. and exclusion of certain provisions of Public Health (London) Act, 1936.

184.—(1) Nothing in this Act shall affect the definition of the expressions "factory" and "workshop" for the purposes of the Rating and Valuation (Apportionment) Act, 1928, but save as aforesaid references in any enactment to a factory or workshop within the meaning of the Factory and Workshop Acts, 1901 to 1929, or any of those Acts, shall be construed as references to a factory within the meaning of this Act.

(2) References in any enactment to an examining surgeon appointed under the Factories Act, 1937, shall be construed as references to a person appointed under section one hundred and fifty-one of this Act.

(3) Section one hundred and six of the Public Health (London) Act, 1936 (which relates to sanitary conveniences for factories), section one hundred and twenty-eight of that Act (which relates to nuisances from certain factories, workshops and work places), and section one hundred and twenty-nine of that Act (which relates to lime-washing and washing of certain factories, workshops and work places) shall not apply to any factory to which this Act applies.

Short title, commencement and extent.

185.—(1) This Act may be cited as the Factories Act, 1961.

(2) This Act shall come into force on the first day of April, nineteen hundred and sixty-two.

(3) This Act, except subsections (1) and (2) of section seventy-seven and so much of section one hundred and eighty-three and the Seventh Schedule as repeals the provisions replaced by those subsections, does not extend to Northern Ireland.

SCHEDULES

Section 68.

FIRST SCHEDULE

TABLE OF HUMIDITY

I Dry Bulb Thermometer Readings	II Wet Bulb Thermometer Readings
Degree Fahrenheit	Degree Fahrenheit
50	48
51	49
52	50
53	51
54	52
55	53
56	54
57	55
58	56
59	57
60	58
61	59
62	60
63	61
64	62
65	63
66	64
67	65
68	66
69	67
70	68
71	68·5
72	69
73	70
74	70·5
75	71·5
76	72
77	73
78	73·5
79	74·5
80	75·5
81	76
82	76·5
83	77·5
84	78
85	79
86	80

Section 120.

SECOND SCHEDULE

MODIFICATION OF CERTAIN PROVISIONS IN RELATION TO FACTORIES OCCUPYING PARTS OF BUILDINGS

1. Where a factory which is part of a building is either—

(*a*) a part of a tenement factory ; or

(*b*) a part let off as a separate factory but not a part of a tenement factory ;

the owner of the building shall be substituted for the occupier as the person on whom any duties are imposed or rights conferred by the provisions to which this paragraph applies or on whom any notice is to be served thereunder or who is liable for any contravention thereof.

2. For the purposes of the provisions to which paragraph 1 of this Schedule applies—

(*a*) the whole of a tenement factory shall be deemed to be one factory; and

(*b*) any such factory as is mentioned in sub-paragraph (*b*) of that paragraph shall be deemed to include any part of the building used for the purposes of the factory.

3. The provisions to which paragraph 1 of this Schedule applies are sections forty to forty-eight and fifty-two of this Act, except subsections (1) and (10) of section forty-eight and so much of subsection (1) of section forty-one as requires the means of escape to be kept free from any obstruction caused by the use of the factory.

4. Subsections (1) and (10) of section forty-eight of this Act shall apply to any part of a tenement factory which is not comprised within any of the separate factories as if that part were a factory and the owner were the occupier thereof.

5. The occupier of any such factory as is mentioned in paragraph 1 of this Schedule shall inform the owner of the building of any such proposal as is mentioned in subsection (3) of section forty-one of this Act.

6. In relation to a building comprising such a factory as is mentioned in sub-paragraph (*b*) of paragraph 1 of this Schedule, subsection (7) of section forty-eight of this Act shall have effect as if it required the warning referred to therein to be a warning in case of fire occurring anywhere in the building and to be audible in every part of the building which is used for the purposes of that or any other factory.

7.—(1) If on a complaint made by the owner of a building it appears to a magistrates' court that any occupier prevents him from carrying out any work, test or examination which he is required to carry out under the foregoing provisions of this Schedule, the court may order the occupier to permit him to do so.

(2) In the application of this paragraph to Scotland, for the references to a complaint and to a magistrates' court there shall be substituted respectively references to a summary application and to the sheriff.

8. In relation to any such factory as is mentioned in paragraph 1 of this Schedule, the provisions of this Act requiring certificates in respect of means of escape in case of fire and the registration of such certificates and of tests or examinations carried out in pursuance of section fifty-two of this Act shall have effect subject to the following modifications, that is to say—

(*a*) the certificate under section forty of this Act shall be issued to the owner of the building in which the factory is comprised and a copy thereof (or, if the certificate relates to

2ND SCH.

more than one factory, of the relevant parts thereof) shall be issued to the occupier of the factory;

(*b*) where the certificate relates to a tenement factory it shall, notwithstanding sub-paragraph (*a*) of paragraph 2 of this Schedule, contain particulars as to each of the separate factories;

(*c*) the references in subsection (7) of section forty and in section fifty-two of this Act to the general register shall be construed as references to a register to be kept by the owner of the building, and subsection (3) of section one hundred and sixty-six of this Act shall apply in relation to any register kept by the owner in pursuance of this paragraph as if he were the occupier of the factory;

(*d*) the reference in subsection (2) of section one hundred and forty of this Act to the certificate shall be construed as a reference to the copy issued in pursuance of this paragraph.

Section 180 (5).

THIRD SCHEDULE

POWERS TO PRESCRIBE STANDARDS

Provision of Act	*Matters for which standards may be prescribed*
Subsection (3) of section three ...	Temperature in workrooms.
Subsection (2) of section four ...	Ventilation of workrooms.
Subsection (2) of section five	Lighting.
Subsection (2) of section seven ...	Sanitary conveniences.
Subsection (2) of section fifty-eight ...	Washing facilities.
Subsection (2) of section fifty-nine ...	Accommodation for clothing

Section 180 (10).

FOURTH SCHEDULE

PROCEDURE FOR MAKING SPECIAL REGULATIONS

1. Before the Minister makes any special regulations he shall publish in the London Gazette, and in such other manner as he may think best adapted for informing persons affected, notice of the proposal to make the regulations, and of the place where copies of the draft regulations may be obtained, and of the time (which shall be not less than twenty-one days) within which any objection made with respect to the draft regulations by or on behalf of persons affected must be sent to him.

2. Every objection must be in writing and state—

(*a*) the specific grounds of objection; and

(*b*) the omissions, additions, or modifications asked for.

3. The Minister shall consider any objection made by or on behalf of any persons appearing to him to be affected which is sent

to him within the required time, and he may, if he thinks fit, amend the draft regulations, and, after doing so, he shall, unless an inquiry has been held under this Schedule, cause the amended draft to be dealt with in like manner as an original draft.

4. If after the publication of the notice with respect to any draft regulations (whether an original or amended draft) any general objection (as defined in paragraph 6 of this Schedule) is made within the required time with respect to the draft and not withdrawn, then, unless a previous inquiry under this Schedule has been held with respect to the draft or some previous draft of the regulations, he shall before making the regulations direct an inquiry to be held in the manner hereinafter provided and he may, if he thinks fit, also direct such an inquiry to be held in regard to any objection, notwithstanding that no such general objection has been made or that such a previous inquiry has been held as aforesaid.

5. Where any such inquiry is to be held as to any draft regulations, the following provisions shall have effect with respect to the inquiry—

(*a*) the Minister shall appoint a competent person or competent persons to hold the inquiry, and to report to him thereon;

(*b*) the inquiry shall be held in public, and the chief inspector and any objector and any other person who, in the opinion of the person holding the inquiry or, if there is more than one such person, of the person presiding over the inquiry, is affected by the draft regulations, may appear at the inquiry either in person or by counsel, solicitor, or agent;

(*c*) the witnesses may, if the person holding or presiding over the inquiry thinks fit, be examined on oath;

(*d*) subject as aforesaid, the inquiry and all proceedings preliminary and incidental thereto shall be conducted in accordance with rules made by the Minister and the rules may make provision as to the costs of the inquiry and other proceedings, including the remuneration of the person or persons holding the inquiry.

6. In this Schedule the expression "general objection" means, as respects any draft regulations, an objection made—

(*a*) by or on behalf of the majority of the occupiers of the factories affected by the draft regulations or by or on behalf of the occupier or occupiers employing a majority of the persons employed in those factories, or by any person who satisfies the Minister that he or an association on behalf of which he acts represents a majority of the persons employed in those factories; or

(*b*) by or on behalf of the majority of the occupiers of any class or description of factories affected as respects which it appears to the Minister that, by reason of special conditions existing in connection therewith, there is reason to believe that any of the requirements of the draft regulations may be unnecessary or inappropriate in the case of

4TH SCH.

that class or description, or by or on behalf of the occupier or occupiers employing a majority of the persons employed in any such class or description of factories as aforesaid or by any person who satisfies the Minister that he or an association on behalf of which he acts represents a majority of the persons employed in any such class or description of factories as aforesaid.

Section 181.

FIFTH SCHEDULE

PROVISIONS OF THE FACTORY AND WORKSHOP ACT, 1901, APPLICABLE IN LONDON AND SCOTLAND ONLY AND ADMINISTERED BY DISTRICT COUNCILS

Prohibition of employment of women after childbirth.

61. If the occupier of a factory knowingly allows a woman or girl to be employed therein within four weeks after she has given birth to a child, he shall be liable to a fine not exceeding three, or if the offence was committed during the night five, pounds for each person so employed, and in the case of a second or subsequent conviction within two years after the last conviction for the like offence not less than one pound for each offence.

Making of wearing apparel where there is scarlet fever or smallpox.

109. If the occupier of a factory or of any place from which any work is given out, or any contractor employed by any such occupier, causes or allows wearing apparel to be made, cleaned, or repaired, in any dwelling-house or building occupied therewith, while any inmate of the dwelling-house is suffering from scarlet fever or smallpox, then, unless he proves that he was not aware of the existence of the disease in the dwelling-house, and could not reasonably have been expected to become aware of it, he shall be guilty of an offence and liable to a fine not exceeding ten pounds.

Prohibition of home work in places where there is infectious disease.

110.—(1) If any inmate of a house is suffering from an infectious disease to which this section applies, the district council of the district in which the house is situate may make an order forbidding any work to which this section applies to be given out to any person living or working in that house, or such part thereof as may be specified in the order, and any order so made may be served on the occupier of any factory, or any other place from which work is given out, or on the contractor employed by any such occupier.

(2) The order may be made notwithstanding that the person suffering from an infectious disease may have been removed from the house, and the order shall be made either for a specified time or subject to the condition that the house or part thereof liable to be infected shall be disinfected to the satisfaction of the medical officer of health, or that other reasonable precautions shall be adopted.

(3) In any case of urgency the powers conferred on the district council by this section may be exercised by any two or more members of the council acting on the advice of the medical officer of health.

(4) If any occupier or contractor on whom an order under this section has been served contravenes the provisions of the order, he shall be guilty of an offence and liable to a fine not exceeding ten pounds.

(5) The infectious diseases to which this section applies are the infectious diseases required to be notified under the law for the time being in force in relation to the notification of infectious diseases, and the work to which this section applies is the making, cleaning, washing, altering, ornamenting, finishing and repairing of wearing apparel and any work incidental thereto, and such other classes of work as may be specified by order of the Minister of Health or, as respects Scotland, the Secretary of State. 5TH SCH.

SIXTH SCHEDULE

Section 183.

TRANSITIONAL PROVISIONS

1. Any reference in any enactment or document, whether express or implied, to any enactment repealed by this Act or by any enactment so repealed or to any provision contained in any such enactment shall be construed as a reference to this Act or, as the case may be, to the corresponding provision of this Act.

2. Any order, regulation, rule, byelaw or appointment made, direction, certificate or notice given, or other thing done under any provision contained in an enactment repealed by this Act or by an enactment so repealed shall continue in force and—

(*a*) if it could have been made, given or done under the corresponding provision of this Act, shall have effect as if it had been so made, given or done;

(*b*) if it is an order or regulation made under a power which, under the corresponding provision of this Act, is exercisable by a different class of instrument, shall have effect as if it were an instrument of that class made under that provision.

3.—(1) Until such day as the Minister may by order appoint Part II of this Act shall have effect subject to the following provisions of this paragraph (which secure the continued operation of provisions replaced by so much of the Factories Act, 1959, as had not been brought into force at the commencement of this Act).

(2) In section thirty-three of this Act the following shall be substituted for subsections (2) and (3):—

"(2) Every steam boiler and all its fittings and attachments shall be thoroughly examined by a competent person at least once in every period of fourteen months, and also after any extensive repairs; and no steam boiler which has previously been used shall be taken into use in any factory for the first time in that factory until it has been examined and reported on in accordance with this subsection and subsections (3) and (4) of this section.

(3) Any examination in accordance with the requirements of the last foregoing subsection shall consist, in the first place, of an examination of the boiler when it is cold and the interior and exterior have been prepared in the prescribed manner, and secondly, except in the case of an economiser or superheater, of an examination when it is under normal steam pressure, and the two parts of the examination may be carried out by

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different persons; the examination under steam pressure shall be made on the first occasion when steam is raised after the examination of the boiler when cold, or as soon as possible thereafter, and the person making the examination shall see that the safety valve is so adjusted as to prevent the boiler being worked at a pressure greater than the maximum permissible working pressure.

(3A) The Minister may by order grant from the requirements of subsection (2) of this section, so far as it relates to periodic examinations and examinations after extensive repairs, such exemptions, to such extent and subject to such conditions, as may be specified in the order, and any such exemption may extend to any class or description of factory or boiler or any particular factory or boiler."

(3) For the purposes of the provisions of section thirty-three of this Act relating to reports of examinations, the examination of a boiler when it is cold and its examination when it is under steam pressure shall be treated as separate examinations.

(4) In Part II of this Act the expression "maximum permissible working pressure" means, in the case of a new steam boiler, that specified in the certificate referred to in subsection (5) of section thirty-three of this Act.

4.—(1) Subject to sub-paragraph (2) of this paragraph, a factory which has been furnished with a certificate in pursuance of subsection (1) of section fourteen of the Factory and Workshop Act, 1901, and a factory in respect of which a notice issued in pursuance of subsection (2) of that section has been complied with, or in respect of which an award has been made under subsection (3) of that section and has been complied with, shall be entitled to receive a certificate under section forty of this Act and, pending the receipt of the certificate, no offence shall be deemed to be committed by reason of the use of the factory while no certificate under this section is in force with respect to it.

(2) Sub-paragraph (1) of this paragraph shall only apply to any factory if and so long as the means of escape provided therein are properly maintained, and shall not apply to any factory if, since the certificate was furnished or the notice or award was complied with in pursuance of the said section fourteen, any action has been taken of which notice would, if this Act had been in force and a certificate under section forty had been granted, have been required by section forty-one of this Act to be given to the fire authority.

5. In the case of any factory constructed or converted for use as a factory before the coming into operation of section thirty-four of the Factories Act, 1937, (that is to say the first day of July, nineteen hundred and thirty-eight) which is not a factory to which paragraph 4 of this Schedule applies, no offence shall be deemed to be committed under section forty of this Act by reason of the use of the factory during any period that may elapse before the grant or refusal of a certificate under that section by the fire authority, and if the fire authority refuse to grant a certificate in respect of the factory unless alterations are made, no such

offence shall be deemed to be committed while the alterations are being carried out in accordance with the requirements of the authority. 6TH SCH.

6. Where, before the coming into operation of the First Schedule to the Factories Act, 1959, (that is to say the first day of December, nineteen hundred and sixty) a certificate was issued under section thirty-four of the Factories Act, 1937, with respect to such a factory as is mentioned in paragraph 1 of the Second Schedule to this Act, but—

(*a*) neither the certificate nor a copy thereof was issued to the owner of the building in which the factory is comprised ; or

(*b*) neither the certificate nor a copy thereof or of the relevant part thereof was issued to the occupier of the factory ;

the council by whom the certificate was issued shall, at his request, send him a copy thereof or, as the case may be, of the relevant part thereof ; and the owner may, in the case of any such certificate, comply with the requirement as to its registration by attaching a copy thereof to the register mentioned in sub-paragraph (*c*) of paragraph 8 of the Second Schedule to this Act.

7. Any order made under Regulation 59 of the Defence (General) Regulations, 1939, which is in force at the commencement of this Act shall continue in force, but may be revoked by order of the Minister ; and any provision made by an order continued in force by this paragraph which could have been made by special regulations under section one hundred and seventeen of this Act shall be deemed, until the order is revoked, to be contained in such regulations.

8. The mention of particular matters in this Schedule shall be without prejudice to the general application of section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals).

SEVENTH SCHEDULE

Section 183.

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
16 & 17 Geo. 5. c. 37.	The Lead Paint (Protection against Poisoning) Act, 1926.	The whole Act.
26 Geo. 5. & 1 Edw. 8. c. 24.	The Employment of Women and Young Persons Act, 1936.	The whole Act.
1 Edw. 8. & 1 Geo. 6. c. 67.	The Factories Act, 1937 ...	The whole Act.
11 & 12 Geo. 6. c. 55.	The Factories Act, 1948 ...	The whole Act.
6 & 7 Eliz. 2. c. 70.	The Slaughterhouses Act, 1958	Section seven.
7 & 8 Eliz. 2. c. 67.	The Factories Act, 1959 ...	The whole Act.

Table of Statutes referred to in this Act

Short title	Session and Chapter
Holidays Extension Act, 1875	38 & 39 Vict. c. 13.
Explosives Act, 1875	38 & 39 Vict. c. 17.
Boiler Explosions Act, 1882	45 & 46 Vict. c. 22.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Boiler Explosions Act, 1890	53 & 54 Vict. c. 35.
Merchant Shipping Act, 1894	57 & 58 Vict. c. 60.
Fatal Accidents Inquiry (Scotland) Act, 1895	58 & 59 Vict. c. 36.
Public Health (Scotland) Act, 1897	60 & 61 Vict. c. 38.
Factory and Workshop Act, 1901	1 Edw. 7. c. 22.
Weights and Measures Act, 1904	4 Edw. 7. c. 28.
Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act, 1906	6 Edw. 7. c. 35.
Education Act, 1918	8 & 9 Geo. 5. c. 39.
Education (Scotland) Act, 1918	8 & 9 Geo. 5. c. 48.
Employment of Women, Young Persons, and Children Act, 1920	10 & 11 Geo. 5. c. 65.
Theatrical Employers Registration Act, 1925	15 & 16 Geo. 5. c. 50.
Petroleum (Consolidation) Act, 1928 ...	18 & 19 Geo. 5. c. 32.
Rating and Valuation (Apportionment) Act, Act, 1928	18 & 19 Geo. 5. c. 44.
London Building Act, 1930	20 & 21 Geo. 5. c. clviii.
Local Government Act, 1933	23 & 24 Geo. 5. c. 51.
London Building Act (Amendment) Act, 1935	25 & 26 Geo. 5. c. xcii.
Hours of Employment (Conventions) Act, 1936	26 Geo. 5 & 1 Edw. 8. c. 22.
Public Health Act, 1936	26 Geo. 5 & 1 Edw. 8. c. 49.
Public Health (London) Act, 1936	26 Geo. 5 & 1 Edw. 8. c. 50.
Factories Act, 1937	1 Edw. 8 & 1 Geo. 6. c. 67.
London Building Acts (Amendment) Act, 1939	2 & 3 Geo. 6. c. xcvii.
Education Act, 1944	7 & 8 Geo. 6. c. 31.
Education (Scotland) Act, 1946	9 & 10 Geo. 6. c. 72.
Fire Services Act, 1947	10 & 11 Geo. 6. c. 41.
Local Government (Scotland) Act, 1947 ...	10 & 11 Geo. 6. c. 43.
Agriculture Act, 1947	10 & 11 Geo. 6. c. 48.
Companies Act, 1948	11 & 12 Geo. 6. c. 38.
Agriculture (Scotland) Act, 1948	11 & 12 Geo. 6. c. 45.
Justices of the Peace Act, 1949	12, 13 & 14 Geo. 6. c. 101.
Arbitration Act, 1950	14 Geo. 6. c. 27.
Shops Act, 1950	14 Geo. 6. c. 28.
Magistrates' Courts Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 55.
Births and Deaths Registration Act, 1953 ...	1 & 2 Eliz. 2. c. 20.
Summary Jurisdiction (Scotland) Act, 1954	2 & 3 Eliz. 2. c. 48.
Mines and Quarries Act, 1954	2 & 3 Eliz. 2. c. 70.
Building (Scotland) Act, 1959	7 & 8 Eliz. 2. c. 24.
Factories Act, 1959	7 & 8 Eliz. 2. c. 67.