STATUTORY INSTRUMENTS

1964 No. 1890

FACTORIES

The Fees of Appointed Factory Doctors (No. 2) Order 1964

Made - - - - 26*th November* 1964
Coming into Operation 7*th December* 1964

The Minister of Labour (hereinafter referred to as "the Minister") by virtue of the powers conferred on him by section 152 of the Factories Act 1961(**a**) and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Fees of Appointed Factory Doctors (No. 2) Order 1964 and shall come into operation on 7th December 1964.

Revocation and amendment

2.—(1) The Fees of Appointed Factory Doctors Order 1962(**b**) and the Fees of Appointed Factory Doctors Order 1963 (**c**) are hereby revoked.

(2) For the reference to the Fees of Appointed Factory Doctors Order 1963 in Article 2(2) of the Fees of Appointed Factory Doctors (No. 1) Order 1964(**d**) there shall be substituted a reference to this Order.

Interpretation

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

(2) For the purposes of this Order, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

" the appointed factory doctor's central point " means a place fixed by the Chief Inspector for the purpose of calculating the mileage or, where no place is so fixed, the residence of the appointed factory doctor;
" the principal Act " means the Factories Act 1961 as amended by or under any other Act;
" section " means section of the principal Act.

Fees of Appointed Factory Doctors

4.—(1) Subject to the provisions of Article 5 of this Order, the Minister hereby determines that the fees payable by occupiers of factories to appointed factory doctors for the carrying out of such of their duties under the principal Act as are specified in paragraphs (2), (3) and (4) of this Article shall be of the amounts respectively so specified.

(a) 9 & 10 Eliz. 2. c. 34.
(b) S.I. 1962/895 (1962 II, p. 1045).
(c) S.I. 1963/1160 (1963 II, p. 1993).
(d) S.I. 1964/1729 (1964 III. p. 3849).
(e) 52 & 53 Vict. c. 63.

(2) For examinations of young persons under section 99(4) or under section 118, or after the service by an inspector on the occupier of a notice under section 119 as to the employment of a young person in a factory, the fees shall be as follows, that is to say:—

(*a*) when the examination is at the factory—fourteen shillings and sixpence for the first and eight shillings and sixpence for each other person examined on the occasion of any one visit to the factory, and in addition, if the distance (measured by the shortest route by which the appointed factory doctor can travel by road) between the appointed factory doctor's central point and the factory exceeds two miles, two shillings for each complete mile by which that distance exceeds two miles;

(*b*) when the examination is not at the factory but at the residence of the appointed factory doctor or at some other place appointed by him for the purpose and approved by the Chief Inspector—eight shillings and sixpence for each person examined.

(3) For examinations of persons for the purposes of the undermentioned Regulations the fees shall (wherever the examinations take place) be as follows, that is to say:—

(*a*) in the case of the Work in Compressed Air Special Regulations 1958(a), thirty-six shillings for the first examination of any person for the purposes of those Regulations and twelve shillings for any other examination of that person for the purposes of those Regulations;

(*b*) in the case of the Diving Operations Special Regulations 1960(b), forty-eight shillings for the first examination of any person for the purposes of those Regulations and twenty-four shillings for any other examination of that person for the purposes of those Regulations; and

(*c*) in the case of the Ionising Radiations (Sealed Sources) Regulations 1961(c), forty-eight shillings for the first examination of any person for the purposes of those Regulations and twenty-four shillings for any other examination of that person for the purposes of those Regulations;

and in addition, if the distance (measured as aforesaid) between the appointed factory doctor's central point and the place of the examination exceeds two miles, two shillings for each complete mile by which that distance exceeds two miles.

(4) For examinations of employed persons for the purposes of section 75 or of any Regulations under section 76 (other than the Regulations specified in paragraph (3) of this Article), the fees shall be as follows, that is to say:—

(*a*) when the examination is at the factory or other place of employment—fourteen shillings and sixpence for the first and five shillings for each other person examined on the occasion of any one visit to the factory or place, and in addition, if the distance (measured as aforesaid) between the appointed factory doctor's central point and the factory exceeds two miles, two shillings for each complete mile by which that distance exceeds two miles;

(*b*) when the examination is not at the factory or other place of employment but at the residence of the appointed factory doctor or at some other place appointed by him for the purpose and approved by the Chief Inspector—five shillings for each person examined.

(a) S.I. 1958/61 (1958 I, p. 1115).
(b) S.I. 1960/688 (1960 II, p. 1410).
(c) S.I. 1961/1470 (1961 II, p. 2975).

5. The fees specified in this Order—

(*a*) are subject to any agreement between the appointed factory doctor and the occupier of a factory;

(*b*) include payment for the making of entries in registers, the issuing or refusal of certificates and the carrying out of other duties as may be required in connection with the examinations;

(*c*) do not cover, in the case of the fees specified in Article 4(2) and (4) of this Order, any special examinations of the blood, microscopical examinations of urine, X-ray examinations, serological tests or other special investigations undertaken in connection with examinations of employed persons on particular occasions or in particular instances (and this Order shall be without prejudice to the making of arrangements between the appointed factory doctor and the occupier of a factory for the carrying out of such special investigations); and

(*d*) do not cover, in the case of the fees specified in Article 4(3) of this Order, any examination of the blood or any other special examination required in pursuance of Regulation 27(2) of the Ionising Radiations (Sealed Sources) Regulations 1961, or any chest examination by radiography required in pursuance of Regulation 9 of the Diving Operations Special Regulations 1960.

Dated 26th November 1964.

R. J. GUNTER,
Minister of Labour.

EXPLANATORY NOTE

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

This Order determines the amount of fees payable by occupiers of factories to appointed factory doctors for various services required under the Factories Act 1961. It increases the fees determined by the Fees of Appointed Factory Doctors Order 1962 and the Fees of Appointed Factory Doctors Order 1963 which are revoked. The fees determined by this Order can be varied by agreement between the appointed factory doctor and the occupier of a factory.