STATUTORY INSTRUMENTS

1971 No. 476

FACTORIES

The Foundries (Protective Footwear and Gaiters) Regulations 1971

Made - - -	19*th March* 1971
Laid before Parliament	30*th March* 1971
Coming into Operation	20*th March* 1972

The Secretary of State—

(*a*) in exercise of his powers under sections 76 and 180(6) and (7) of the Factories Act 1961(**a**) and of all other powers enabling him in that behalf ; and

(*b*) after publishing, pursuant to Schedule 4 to the said Act of 1961, notice of the proposal to make the Regulations and not having received any objection to the draft in regard to which he is required by the said Schedule to direct an inquiry to be held,

hereby makes the following special Regulations :—

Citation and commencement

1. These Regulations may be cited as the Foundries (Protective Footwear and Gaiters) Regulations 1971 and shall come into operation on 20th March 1972.

Interpretation

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

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

"approved" means approved for the time being for the purposes of these Regulations by certificate of the Chief Inspector ; and

"possession" does not include ownership.

(3) Footwear and gaiters provided in pursuance of these Regulations shall be footwear and gaiters made in conformity with approved specifications for footwear and gaiters, respectively.

Application of Regulations

3.—(1) Except as provided in paragraph (2) of this Regulation, these Regulations shall apply to those parts of factories in which any of the following operations or processes is carried on, that is to say—

(*a*) the production of iron castings or, as the case may be, steel castings by casting in moulds made of sand, loam, moulding composition or

(**a**) 1961 c. 34.

(**b**) 1889 c. 63.

other mixture of materials, or by shell moulding, or by centrifugal casting and any process incidental to such production ;

(*b*) the production of non-ferrous castings by casting metal in moulds made of sand, loam, metal, moulding composition or other material or mixture of materials, or by shell mouldings, diecasting (including pressure diecasting), centrifugal casting or continuous casting and any process incidental to such production ; and

(*c*) the melting and casting of non-ferrous metal for the production of ingots, billets, slabs or other similar products, and the stripping thereof.

(2) Nothing in these Regulations shall apply with respect to—

(*a*) any process to which either of the following Regulations apply, that is to say, the Regulations (**a**) dated 12th August 1911 with respect to the smelting and manufacture of lead and the Electric Accumulator Regulations 1925(**b**) ; or

(*b*) any process for the purposes of a printing works ; or

(*c*) any smelting process in which metal is obtained by a reducing operation or any process incidental to such operation ; or

(*d*) the production of steel in the form of ingots ; or

(*e*) any process in the course of the manufacture of solder or any process incidental to such manufacture ; or

(*f*) the melting and casting of lead or any lead-based alloy for the production of ingots, billets, slabs or other similar products or the stripping thereof, or any process incidental to such melting, casting or stripping.

Exemption certificates

4. The Chief Inspector may (subject to such conditions as may be specified therein) by certificate in writing (which he may in his discretion revoke at any time) exempt from all or any of the requirements of these Regulations—

(*a*) any factory or any part of any factory or any class or description of factories or parts thereof ; or

(*b*) any class or description of workers at any factory or at any class or description of factories,

if he is satisfied that the requirements in respect of which the exemption is granted are impracticable or inappropriate or not necessary for the protection of persons employed.

Provision of protective footwear and gaiters

5.—(1) This Regulation applies to employed persons who for any of their time—

(*a*) work at a spout of, or attend to, a cupola or furnace in such circumstances that material therefrom may come into contact with the body, being material at such a temperature that its contact with the body would cause a burn ; or

(*b*) are engaged in, or in assisting with, the pouring of molten metal ; or

(*c*) carry by hand or move by manual power any ladle or mould containing molten metal ; or

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(**a**) S.R. & O. 1911/752 (Rev. VII, p. 369: 1911, p. 55).
(**b**) S.R. & O. 1925/28 (Rev. VII, p. 296: 1925, p. 337).

(*d*) are engaged in knocking-out operations involving material at such a temperature that its contact with the body would cause a burn :

Provided that this Regulation shall not apply to any such employed person if and so long as the doing by him of any such work is not expressly or impliedly authorised or permitted by his employer.

(2) The employer of every person employed in a factory to whom this Regulation applies shall, in accordance with the provisions of paragraphs (3) to (6) of this Regulation, give into the possession of every such person employed by him footwear and gaiters which, in either case,—

(*a*) are suitable for the person for whom they are provided ; and

(*b*) when worn by him prevent, so far as is reasonably practicable, risk of burns to his feet and ankles.

(3) Footwear shall be given into the possession of every person employed in a factory to whom this Regulation applies as soon as is reasonably practicable after he becomes such a person in that factory and in any event within 28 days immediately after that date.

(4) Gaiters shall be given into the possession of every person employed in a factory to whom this Regulation applies forthwith when he becomes such a person in that factory.

(5) (*a*) Where a person who is employed in a factory by its occupier has made a signed entry in a register (which his employer shall provide in an approved form and keep in the factory in a place convenient for use) to the effect that the employed person desires to receive and wear a particular kind of footwear for the purposes of these Regulations, that is to say either boots or clogs, and has not withdrawn that entry in accordance with sub-paragraph (*c*) of this paragraph, footwear provided for that person in accordance with this Regulation shall be of the kind referred to in the said entry.

(*b*) Where such an employed person has not made any such entry as aforesaid in the said register or has withdrawn, in accordance with this Regulation, every entry so made by him, the footwear provided for that person in accordance with this Regulation shall be boots.

(*c*) An employed person may make an entry in the said register kept in a factory as aforesaid within 7 days of becoming a person employed in the factory to whom this Regulation applies and within 7 days of any time when any footwear in his possession in accordance with these Regulations is lost or destroyed or becomes so defective as to be unsuitable for the purpose for which it was provided. An employed person may withdraw such an entry made by him in the said register by a further entry in the register made within 7 days of any time when any footwear in his possession in accordance with these Regulations is lost or destroyed or becomes so defective as to be unsuitable for the purpose for which it was provided.

(*d*) Where the employer of a person employed in a factory is not its occupier the employed person may give written notice to his employer to the same effect as an entry in a register as aforesaid and the provisions of this paragraph shall have effect in relation to such notices and the giving of them in the same way as they have effect in relation to such entries and the making of them.

(6) Where consequent upon a report under Regulation 7(*c*) it is confirmed that any footwear or gaiters provided by an employer in accordance with paragraphs (2) to (5) of this Regulation have been lost or destroyed or are so defective as to be unsuitable for the purpose for which they were provided,

the employer shall, in the case of footwear as soon as is reasonably practicable and in any event within 28 days and in the case of gaiters forthwith, give into the possession of the person for whom they were provided (unless he has ceased to be a person to whom this Regulation applies) suitable footwear or gaiters (as the case may require) to replace those lost, destroyed or defective.

Accommodation for footwear and gaiters

6.—(1) The occupier of a factory shall provide adequate and suitable accommodation for footwear and gaiters provided in pursuance of these Regulations for persons employed in that factory.

(2) The accommodation provided in pursuance of the foregoing paragraph of this Regulation shall be of such a kind and so arranged that a worker having possession of footwear and gaiters retains possession of them when they are in the accommodation and can make the accommodation secure.

Duties of employed persons

7. Every person who is provided with footwear and gaiters in pursuance of these Regulations shall—

(*a*) wear the said footwear and gaiters at all times while he is employed on any of the work specified in Regulation 5(1) ;

(*b*) take reasonable care of the said footwear and gaiters and not wilfully misuse them ;

(*c*) report forthwith to his employer or the employer's agent the loss or destruction of or any defects in the said footwear and gaiters and, in the case of a person employed in a factory by its occupier, forthwith enter, or cause to be entered, particulars thereof by dated entry signed by him, or by a person acting on his behalf, in a register which his employer shall provide in an approved form and keep in a place convenient for use ; and

(*d*) place the said footwear and gaiters in the accommodation provided in pursuance of Regulation 6 at the end of the day's work or of the shift (as the case may be).

19th March 1971.

Robert Carr,
Secretary of State for Employment.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations impose requirements as to the provision, replacement and storage of footwear and gaiters to protect the feet and ankles of persons employed in certain operations in foundries from molten metal and material at such a temperature that its contact with the body would cause a burn. They enable the employed persons concerned to have a choice of boots or clogs as the footwear to be provided. They also provide that such persons shall wear the boots or clogs and gaiters provided and take care of them.

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