1962 No. 715

FACTORIES

The Hoists Exemption Order, 1962

Made - - - -	*3rd April*, 1962
Coming into Operation	*16th April*, 1962

The Minister of Labour by virtue of the powers conferred on him by subsection (4) of section twenty-five of the Factories Act, 1961(a), and of all other powers enabling him in that behalf, hereby makes the following Order:—

1.—(1) This Order may be cited as the Hoists Exemption Order, 1962, and shall come into operation on the sixteenth day of April, 1962.

(2) The Hoists Exemption Order, 1938(b), and the Hoists Exemption (Amendment) Order, 1946(c), are hereby revoked.

2.—(1) The Interpretation Act, 1889(d), 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) In this Order the expression "hoist" includes a lift and the expression "hoistway" includes a liftway.

3. As respects any class or description of hoist or hoistway specified in the first column of the Schedule to this Order, the requirements of the provisions of the Factories Act, 1961, specified in the second column of the said Schedule and set opposite to that class or description shall not apply; subject however to the conditions and limitations (if any) set opposite thereto in the third column of that Schedule.

Dated this 3rd day of April, 1962.

John Hare,
Minister of Labour.

(a) 9 & 10 Eliz. 2. c. 34. (b) S.R. & O. 1938/489 (Rev. VII, p. 120: 1938 I, p. 1212).
(c) S.R. & O. 1946/1947 (Rev. VII, p. 120: 1946 I, p. 489). (d) 52 & 53 Vict. c. 63.

SCHEDULE

Class or description of hoist or hoistway	Requirements of the Factories Act, 1961, which shall not apply	Conditions or limitations (if any)
1. Hoistways of pavement hoists, that is to say, hoists in the case of which the provision of a permanent enclosure at the top landing would obstruct a street or public place, or yard or other open space within a factory where persons are required to pass.	Subsection (4) of section twenty-two, in so far as it requires the hoistway to be protected by an enclosure and gate at or above the top landing. Except in the case of a hoist with more than one landing other than the top landing, subsections (5) and (6) of section twenty-two or subsection (3) of section twenty-five.	The hoistway shall be securely covered or securely fenced at the top landing except when and where access is required for persons, goods or materials. Every gate shall be kept closed and fastened except when the cage or platform is at the landing.
2. Mobile hoists used in various positions for the stacking of goods or materials or for loading or unloading directly to or from vehicles, which have no fixed landings above the lowest landing.	Subsections (4), (5) and (6) of section twenty-two, subsection (3) of section twenty-five and, when the maximum height of the platform above ground or floor level does not exceed six feet six inches, subsection (3) of section twenty-three.	If the hoist is used for carrying persons the maximum height of the platform above ground or floor level shall not exceed twelve feet. Where the height of the platform of a hoist used for carrying persons exceeds six feet six inches above ground or floor level, the edges of the platform on which persons stand shall be protected to a height of at least three feet above the platform by suitable guard rails, lower rails and toe boards of adequate strength or by other equally effective means; any gate provided shall, unless equally effective means are provided, open inwards only towards the platform and be arranged so as automatically to return to the closed and fastened position; and the button, handle or other device by which the movement of the platform is controlled shall be on the platform and be such that the platform cannot be in motion unless the control device is being held or pressed by a person on the platform.
3. Hoists which are fixed in position and which are used for the stacking of goods or materials or for loading or unloading	Subsections (4), (5) and (6) of section twenty-two and subsection (3) of section twenty-five.	The hoistway shall be protected at ground or floor level by an enclosure not less than seven feet in height and fitted with a

Class or description of hoist or hoistway	Requirements of the Factories Act, 1961, which shall not apply	Conditions or limitations (if any)
directly to or from vehicles, which have no fixed landings above the lowest landing and in the case of which the maximum height of the cage or platform above ground or floor level exceeds six feet six inches.		gate or gates in connection with which subsections (5) and (6) of section twenty-two or subsection (3) of section twenty-five shall apply; and if the hoist is used for carrying persons it shall be provided with a cage.
4. Platform hoists which are fixed in position and in the case of which the maximum height of the platform above ground or floor level does not exceed six feet six inches.	Subsections (4), (5) and (6) of section twenty-two, subsection (3) of section twenty-three and subsection (3) of section twenty-five.	A gate or gates or other means shall be provided to prevent any person being endangered by the underside of the platform or by any fitting attached to it.
5. Hoists used solely for lifting material directly into a machine.	Subsections (4), (5) and (6) of section twenty-two and subsection (3) of section twenty-five.	—
6. Hoistways of hoists which are not used for carrying persons and into or from which goods or materials are not loaded or unloaded except at a height of not less than two feet nine inches above the level of the floor or ground where loading or unloading is performed.	Subsections (5) and (6) of section twenty-two and subsection (3) of section twenty-five.	This exemption shall not apply to any gate unless there is a fixed enclosure not less than two feet nine inches in height below the bottom of the gate and reaching down to the level of the floor or ground; and every gate to which this exemption applies shall (i) be fitted with an efficient device to secure that the cage or platform cannot be raised or lowered unless the gate is closed, and will come to rest when the gate is opened or, (ii) where it is not reasonably practicable to fit such a device, be kept closed and fastened except when the cage or platform is at rest at the gate.
7. Hoists which are not connected with mechanical power and which are not used for carrying persons, and the enclosures of the hoistways of such hoists.	Subsection (7) of section twenty-two.	—

Class or description of hoist or hoistway	Requirements of the Factories Act, 1961, which shall not apply	Conditions or limitations (if any)
8. Hoists mainly used for raising materials for charging lime kilns or for charging blast furnaces in which the process of smelting iron ore is carried on.	Subsection (4) of section twenty-two, in so far as it requires a gate at the bottom landing; subsections (5), (6) and (7) of section twenty-two; subsection (1) (*b*) and subsection (2) of section twenty-three; and subsection (3) of section twenty-five.	—
9. Hoists used for raising or lowering or tipping standard - gauge or broader gauge railway rolling-stock.	Subsection (4) of section twenty-two, in so far as it requires the recognised entrances to the enclosure, being entrances through which the rolling-stock passes, to be fitted with gates; subsections (5) and (6) of section twenty-two; subsections (1) (*b*) and (2) of section twenty - three; and subsection (3) of section twenty-five.	So far as is reasonably practicable means shall be provided at such entrances to the enclosure to prevent any person from falling down the hoistway or being struck by any moving part of the hoist.
10. Drop-pit hoists used for raising or lowering wheels or bogies detached from standard-gauge or broader gauge railway rolling-stock.	Subsections (4) to (8) of section twenty-two and section twenty-three.	—
11. Hoists in the case of which the doors of the hoistway are of solid construction and the interior surfaces of the said doors and of the hoistway opposite to any side of the cage in which there is an opening are, throughout the height of travel of the cage, smooth and flush with each other save for any recess designed for working purposes and not more than half-an-inch in depth, and hand grips not exceeding one inch in depth provided for closing doors and so constructed as to prevent trapping.	Subsections (1) (*b*) and (2) of section twenty-three.	—

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12. Hoistways of hoists into or from which goods or materials are loaded or unloaded automatically and to the platform or cage of which there is no access for persons.	Subsection (4) of section twenty-two in so far as it requires a gate at the openings in the enclosure where goods or materials are loaded or unloaded automatically.	Means shall be provided at the loading and unloading openings in the enclosure to prevent, so far as is reasonably practicable, any person falling down the hoistway or coming into contact with any moving part of the hoist.
13. Hoistways of hoists which are not used for carrying persons and on which the goods or materials stacked on the platform or in the cage are loaded or unloaded with the top layer of the stack at landing level.	Subsections (5) and (6) of section twenty-two and subsection (3) of section twenty-five.	This exemption shall not apply to any gate unless there is a fixed enclosure not less than two feet nine inches in height below the bottom of the gate and reaching down to the level of the floor or ground, and unless any such gate can only be opened or remain open when the floor of the cage or platform is at the landing level or not more than five feet below that level; and when the gate is open the cage or platform shall not be capable of being moved more than twelve inches at one time and at a speed not greater than twenty-five feet per minute; and provision shall be made to prevent any person being trapped by the top of the cage. The arrangements shall be such that when the gate is open the platform or cage cannot be in motion unless the button, handle, or other device by which the movement of the cage or platform is controlled is being held or pressed by a person close to the gate.
14. Hoists and hoistways the landing and cage entrances of which are protected by lattice gates.	Subsections (4) and (7) of section twenty-two in so far as they relate to the protection to be provided by the gates.	The gates when shut shall extend to the full height and width of the entrance openings and, except in the case of gates installed before the coming into operation of this Order, shall have no openings exceeding two and a half inches in width. Measures shall be taken to

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		prevent the access of feet through the cage gate or the landing gate into the hoistway, and to prevent the access of fingers through the landing gate to the inter-locking mechanism and control devices in the cage or on the platform.

EXPLANATORY NOTE

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

This Order exempts certain classes or descriptions of hoists and hoistways from some of the requirements of sections twenty-two, twenty-three and twenty-five of the Factories Act, 1961. It replaces the Hoists Exemption Order, 1938, and the Hoists Exemption (Amendment) Order, 1946.