



# Factories Act (Northern Ireland) 1965

## 1965 CHAPTER 20

### PART VII

#### SPECIAL APPLICATIONS AND EXTENSIONS

##### FACTORIES OCCUPYING PARTS OF BUILDINGS

*S. 118 rep. by SR 1986/350*

#### **119 Tenement factories—other provisions**

(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, ...<sup>F1</sup>;
- (c) the provisions of Part III;

*Para. (d) rep. by SR 1990/374*

- (e) the provisions of Part V;

*Para. (f) rep. by 1990 NI 2*

*Para. (g) rep. by SR 1996/512*

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.

*Status: Point in time view as at 31/10/2011.*

*Changes to legislation: There are currently no known outstanding effects for the Factories Act (Northern Ireland) 1965. (See end of Document for details)*

- (2) Subsection (1) 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) 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

*Para. (b) rep. by SR 1990/374*

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) 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).

*Subs. (5) rep. by 1990 NI 2*

- (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.

*Subs. (7) rep. by SR 1979/246*

F1 SR 1979/246
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## **120 Parts of buildings let off as separate factories— other provisions.**

- (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 subsection (2)(a) and (b) 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), the owner of the building shall be responsible for any contravention of the provisions specified in subsection (2)(a) as so applying; and
- (c) subject to subsection (5), the owner of the building shall be responsible, instead of the occupier, for any contravention as respects the factory, of the provisions specified in subsection (2)(c).

- (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,<sup>F2</sup> . . . ;

*Para. (b) rep. by SR 1979/246*

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

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*Status: Point in time view as at 31/10/2011.*

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- (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,<sup>F2</sup> . . .
- (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.

*Subs. (6) rep. by SR 1979/246*

- (7)<sup>F3</sup> . . . . .

<p><b>F2</b> SR 1991/471</p> <p><b>F3</b> S. 120(7) repealed (31.10.2011) by <a href="#">Factories Act (Northern Ireland) 1965 and Office and Shop Premises Act (Northern Ireland) 1966 (Repeals and Modifications) Regulations (Northern Ireland) 2011 (S.R. 2011/283)</a>, <a href="#">reg. 4(2)(a)</a></p>
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