



# Factories Act (Northern Ireland) 1965

## 1965 CHAPTER 20

### PART VII

#### SPECIAL APPLICATIONS AND EXTENSIONS

##### DOCKS, WHARVES, QUAYS, WAREHOUSES AND SHIPS

#### 123 Docks, etc.

(1) The provisions of this Act specified in subsection (2) shall apply to every dock, wharf or quay (including any warehouse belonging to the owners, trustees or commissioners 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:—

*Para. (a) rep. by SR 1991/471*

<sup>F1</sup>(aa) the provisions of [<sup>F2</sup> section 10A];]

- (b) the provisions of sections 50 and 51 so far as they enable the Ministry to make regulations;

*Paras. (c)#(e) rep. by SR 1979/246*

- (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 Ministry;

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

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

- (j)<sup>F3</sup> the provisions of Part X with respect to<sup>F4</sup> . . . <sup>F5</sup> . . . , <sup>F6</sup> . . . , preservation of registers and records, but subject to such modifications as may be made by regulations of the Ministry . . .<sup>F7</sup>;

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

- (l) Part XII; and  
 (m) Part XIV.

(3) Subject to subsection (4),—

- (a) the provisions of this Act mentioned in paragraph ( a ) (subject to the modification mentioned in that paragraph) and in paragraphs . . .<sup>F8</sup>, ( f ), . . .<sup>F8</sup>, ( j ), . . .<sup>F8</sup>, ( l ) and ( m ) of sub-section (2); and

<sup>F9</sup>(b) the provisions of [<sup>F2</sup> section 10A];]

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.

[<sup>F10</sup>(4) Nothing in this section shall apply to any machinery or plant which is on board a ship and is the property of the ship owner or charterer, or is rented, leased or hired by him or his agent, or is being purchased by him or his agent under a hire purchase agreement or a conditional sale agreement (each within the meaning of Article 2 of the Health and Safety at Work (Northern Ireland) Order 1978.)]

(5) In subsections (3) and (4) “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 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, . . .<sup>F8</sup> shall apply to every warehouse mentioned in subsection (1) as if the warehouse were a factory and the person having the actual use or occupation thereof were the occupier of a factory[<sup>F10</sup>, except that this subsection shall not operate to apply the provisions to chains, ropes and lifting tackle, cranes and other lifting machines, or to the construction and maintenance of floors, passages and stairs, in warehouses which are dock premises.]

[<sup>F10</sup>(7) The provisions of Part II of this Act, and any Regulations made under that Part, with respect to prime movers, transmission machinery, other machinery, provisions as to unfenced machinery, construction and maintenance of fencing, hoists and lifts shall apply to all dock premises as if the dock premises were a factory, and the person having the control of such matter were the occupier of the factory in respect of that matter.

(8) The provisions of section 173 of this Act (application to Crown) shall apply to all dock premises as if the dock premises were a factory, but only for the purpose of applying to the Crown such provisions of this Act as are applied to docks, wharfs, quays and dock premises by virtue of the foregoing provisions of this section.

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

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(9) In subsections (6), (7) and (8) of this section “dock premises” means any dock, wharf, quay, jetty or other place at which ships load or unload goods or embark or disembark passengers, together with neighbouring land or water which is used or occupied, or intended to be used or occupied, for those or incidental activities, and any part of a ship when used for those or incidental activities.]

[<sup>F10</sup>(10)] This Act shall not apply to any dock, wharf or quay adjacent to and belonging to a quarry within the meaning of the Quarries Act (Northern Ireland) 1927 and used exclusively for purposes connected with such quarry.

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|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>F1</b>  | 1978 NI 9                                                                                                                                                                                                                                   |
| <b>F2</b>  | 1990 NI 2                                                                                                                                                                                                                                   |
| <b>F3</b>  | Mod., SR 1979/246                                                                                                                                                                                                                           |
| <b>F4</b>  | SR 1991/105                                                                                                                                                                                                                                 |
| <b>F5</b>  | SR 1996/512                                                                                                                                                                                                                                 |
| <b>F6</b>  | Words in s. 123(2)(j) repealed (31.10.2011) by 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), reg. 4(2)(b) |
| <b>F7</b>  | 1967 c.6 (NI); SR 1979/246                                                                                                                                                                                                                  |
| <b>F8</b>  | SR 1979/246                                                                                                                                                                                                                                 |
| <b>F9</b>  | 1978 NI 9                                                                                                                                                                                                                                   |
| <b>F10</b> | SR 1989/320                                                                                                                                                                                                                                 |

## 124 Ships.

(1) Subject to subsection (3), the provisions of this Act specified in subsection (2) 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, scurving 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 Ministry 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 50 and 51 so far as they enable the Ministry to make regulations;

<sup>F11</sup>(aa) the provisions of [<sup>F12</sup> section 10A] ;]

*Paras. (b)#(d) rep. by SR 1979/246*

(e) Part V;

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

*Para. (g) rep. by 1978 NI 9*

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

(j) the provisions of Part X with respect to <sup>F13</sup>. . . , preservation of registers and records, . . . <sup>F14</sup>;

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

(l) Part XII;

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

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(m) Part XIV.

(3) Nothing in this Act shall apply to any such work as is mentioned in subsection (1) which is done by the master or crew of a ship or done on board a ship during a trial run.

**F11** 1978 NI 9

**F12** 1990 NI 2

**F13** Words in s. 124(2)(j) repealed (31.10.2011) by [Factories Act \(Northern Ireland\) 1965 and Office and Shop Premises Act \(Northern Ireland\) 1966 \(Repeals and Modifications\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/283\)](#), [reg. 4\(2\)\(b\)](#)

**F14** SR 1979/246

**Changes to legislation:**

There are currently no known outstanding effects for the Factories Act (Northern Ireland) 1965.