



Offices, Shops and Railway Premises Act 1963

1963 CHAPTER 41

Enforcement

52 Authorities who are to enforce Act

- (1) It shall be the duty of every local authority to enforce within their area (and for that purpose to appoint inspectors) the foregoing provisions of this Act and regulations thereunder—
 - (a) except sections 28 to 38 and regulations under any of them; and
 - (b) except, as regards any other section or regulations, in a case for which provision for the enforcement of that section or those regulations is made by the following provisions of this section.
- (2) It shall be the duty of the authority discharging in any area the functions of fire authority under the Fire Services Act 1947 to enforce within that area (and for that purpose to appoint inspectors) sections 28 to 38 of this Act and regulations under any of those sections, subject, however, to the following qualifications:—
 - (a) they shall not have the duty to enforce those sections and regulations with respect to premises falling within subsection (3) of this section ;
 - (b) they shall not have the duty to enforce, with respect to premises falling within subsection (4) or (6) of this section, sections 33, 34 or 36, regulations under section 37, section 38(1) or regulations under section 38(2).
- (3) The foregoing provisions of this Act and regulations thereunder shall, as regards.—
 - (a) premises occupied by the council of a county;
 - (b) premises occupied by a local authority ;
 - (c) premises provided and maintained by the council of a county for purposes connected with the administration of justice or provided and maintained by a local authority for such purposes ;

- (d) premises comprised in premises used for the purposes of a school which, within the meaning of the Education Act 1944, is maintained by a local education authority ;
 - (e) premises occupied by a probation committee constituted under the Criminal Justice Act 1948 or the Criminal Justice (Scotland) Act 1949 ;
 - (f) premises occupied by a fire authority constituted by a combination scheme made under the Fire Services Act 1947 ;
 - (g) premises occupied by a police authority or the receiver for the metropolitan police district; and
 - (h) premises occupied by the United Kingdom Atomic Energy Authority;
- be enforceable by factory inspectors and such persons (other than factory inspectors) as the Minister may authorise in that behalf.
- (4) The foregoing provisions of this Act and regulations thereunder (except sections 28, 29 and 30 and regulations under section 35) shall, as regards—
- (a) premises which are not, for the purposes of the Factories Act 1961, a factory but which, but for the operation of section 175(6) of that Act, would, for the purposes of that Act, form part of a factory, not being premises contained in office or shop premises ;
 - (b) premises to which section 26 of this Act applies ;
 - (c) premises which, but for the following provisions of this Act, would, for the purposes of section 123(1), 124(1) or 125(1) of the Factories Act 1961, form part of premises to which, as the case may be, the said section 123(1), the said section 124(1) or the said section 125(1) applies, but not including such a building or part of a building as, by virtue of those provisions, is excluded from the said section 125(1);
 - (d) railway premises;
 - (e) office premises occupied by railway undertakers for the purposes of the railway undertaking carried on by them and situate in the immediate vicinity of the permanent way (not being office premises comprised in hotels); and
 - (f) fuel storage premises owned by railway undertakers;
- not being, in any of those cases, premises falling within subsection (3) of this section, be enforceable by factory inspectors and persons authorised under that subsection.
- (5) it shall be the duty of the London County Council, as regards office or shop premises forming part of a place of public entertainment within the administrative county of London other than such a place occupied by them, to enforce (and for that purpose to appoint inspectors) the foregoing provisions of this Act and regulations thereunder, other than provisions or regulations which it is their duty to enforce in their capacity of a fire authority under the Fire Services Act 1947.
- (6) The foregoing provisions of this Act and regulations thereunder (except sections 28, 29 and 30 and regulations under section 35) shall, as regards office or shop premises which, for the purposes of the Mines and Quarries Act 1954, form part of a mine or quarry, be enforceable by mine and quarry inspectors and such persons (other than mine and quarry inspectors) as the Minister of Power may authorise in that behalf.
- (7) Nothing in the provisions of this section charging any authority in Scotland with the enforcement of this Act or regulations thereunder shall be construed as authorising that authority to institute proceedings for any offence.

53 Powers of local authorities' and Minister's inspectors

- (1) Any such person as follows (hereafter in this section referred to as an " inspector "), namely, an inspector appointed under subsection (1), (2) or (5) of the last foregoing section, a factory inspector and a person authorised by the Minister under subsection (3) of that section, shall, for the purpose of the execution of this Act, have power to do all or any of the following things, namely.—
- (a) at any reasonable time to enter any such premises as the following, and to inspect the whole or any part thereof and anything therein, that is to say:—
 - (i) any premises to which this Act applies;
 - (ii) any premises (other than as aforesaid) in which any conveniences, facilities or other thing are or is provided in pursuance of this Act or regulations thereunder;
 - (iii) any premises which, for the purposes of section 42 or 43 of this Act constitute a common part of a building to which the said section 42 or, as the case may be, the said section 43, applies;
 - (iv) any premises falling within section 51 of this Act;
 - (v) any premises which he has reasonable cause to believe to be premises falling within any of the foregoing sub-paragraphs; and
 - (vi) any premises with respect to which he has reasonable cause to believe that materials of a kind prescribed by virtue of section 29(1)(c) of this Act are therein used or are therein stored in a quantity not less than that so prescribed, being premises situate underneath premises to which this Act applies;
 - (b) to make such examination and inquiry as may be necessary—
 - (i) to ascertain whether, so far as regards any such premises as aforesaid or conveniences, facilities or other things therein provided, the provisions of this Act and regulations thereunder are complied with; or
 - (ii) to verify any belief that he has formed that any premises fall within sub-paragraph (i), (ii) (iii) or (iv) of paragraph (a) above or that, in premises situate as mentioned in sub-paragraph (vi) of that paragraph, materials of a kind therein mentioned are used or are stored as so mentioned; or
 - (iii) to identify the owner or occupier of any premises falling within sub-paragraph (i), (ii), (iii) or (iv) of paragraph (a) above ;
 - (c) on entering any premises to take with him a constable if he has reasonable cause to apprehend any serious obstruction in the exercise of the powers conferred on him by this subsection ;
 - (d) for the purpose of any examination or inquiry under the foregoing provisions of this subsection to require any person whom he finds in any such premises as are mentioned in paragraph (a) above or whom he has reasonable cause to believe to be, or to have within the preceding two months been, employed to work in any such premises, to answer (in the absence of persons other than any whom the inspector may allow to be present) such questions as the inspector thinks fit to ask and to sign a declaration of the truth of his answers, so, however, that no answer given by a person in pursuance of a requirement imposed under this paragraph shall be admissible in evidence against him in any proceedings;
 - (e) to require the production of, and to inspect, any fire certificate in force with respect to any premises to which this Act applies;

- (f) to require any person having responsibilities in relation to any such premises as are mentioned in paragraph (a) above (whether or not the owner or occupier of the premises or a person employed to work therein) to give him such facilities and assistance with respect to any matters or things to which the responsibilities of that person extend as are necessary for the purpose of enabling the inspector to exercise any of the powers conferred on him by this subsection ;
- (g) to exercise such other powers as may be necessary for carrying this Act into effect.

(2) A person who—

- (a) fails to comply with any requirement imposed by an inspector under the foregoing subsection ; or
 - (b) prevents, or attempts to prevent, any other person from appearing before an inspector or from answering any question to which an inspector may, by virtue of the foregoing subsection, require an answer; or
 - (c) obstructs an inspector in the exercise or performance of his powers or duties ;
- shall be guilty of an offence and liable to a fine not exceeding twenty pounds.

54 Powers of Minister of Power's inspectors

- (1) Section 145 of the Mines and Quarries Act 1954 shall have effect as if references therein to that Act included references to the foregoing provisions of this Act.
- (2) A person authorised under section 52(6) of this Act by the Minister of Power shall, for the purpose of the enforcement, with respect to such office or shop premises as are mentioned in that subsection, of this Act and regulations thereunder have the like powers as are conferred on mine and quarry inspectors by the provisions of section 145(1) of the Mines and Quarries Act 1954 as extended by the foregoing subsection (other than the provisions of sub-paragraphs (b) (ii) and (d) (ii) and (iii) and paragraph (f)); and section 145(2) of that Act (obstruction, &c., of inspectors) shall, with requisite modifications, apply accordingly.

55 Production by local authorities' and Minister's inspectors of evidence of authority

A person who is an inspector within the meaning of section 53 of this Act shall, if so required when visiting any premises in exercise of powers conferred by that section, produce to the occupier of the premises—

- (a) if he is a factory inspector, the certificate of appointment issued to him under section 150 of the Factories Act 1961 ;
- (b) if he is a person appointed under section 52(1), (2) or (5) of this Act, some duly authenticated document showing that he is so appointed ;
- (c) if he is a person authorised under section 52(3) of this Act by the Minister, some duly authenticated document showing that he is so authorised.

56 Exercise, on behalf of factory and mine and quarry inspectors, of their powers by officers of fire brigades

- (1) The like powers as are conferred by section 53 of this Act on a factory inspector shall be exercisable, in relation to any premises, by an officer of the appropriate fire brigade

when authorised in writing by such an inspector for the purpose of reporting to the inspector on any such matter falling within the inspector's duties under this Act with respect to the premises as relates to fire; and subsection (2) of that section shall, with requisite modifications, apply accordingly.

- (2) The like powers as are conferred by section 54(2) of this Act on a person authorised under section 52(6) thereof shall be exercisable, in relation to any premises, by such an officer as aforesaid when authorised in writing by a mine and quarry inspector or the purpose of reporting to the inspector on any such matter falling within the inspector's duties under this Act with respect to the premises as relates to fire; and section 145 (2) of the Mines and Quarries Act 1954 shall, with requisite modifications, apply accordingly.
- (3) An officer exercising any power conferred by this section shall, if asked so to do, produce his authority.
- (4) Neither a factory inspector nor a mine and quarry inspector shall authorise an officer of a fire brigade to enter and inspect any premises except with the consent of the authority maintaining the brigade.
- (5) In this section " appropriate fire brigade " means, in relation to any premises, the fire brigade maintained by the authority discharging in the area in which the premises are situate the functions of fire authority under the Fire Services Act 1947.

57 Provisions for securing discharge of local authorities' duties in uniform manner

- (1) For the purpose of securing that the duties under this Act of local authorities and the London County Council with respect to the enforcement of the foregoing provisions of this Act and regulations thereunder (except sections 28 to 38) and regulations under any of them) are discharged in uniform manner, the Minister—
 - (a) may make regulations with respect to the manner of the discharge of those duties and of the exercise of the powers conferred by this Act on inspectors appointed by local authorities and the London County Council respectively ;
 - (b) may, with the approval of the Treasury as to numbers and salaries, appoint officers to be charged with the duty of securing that he is at all material times in possession of all information requisite to enable him to determine whether those duties are being so discharged and of advising local authorities and the London County Council on matters concerning the discharge by them of those duties.
- (2) An officer appointed under this section may inquire into the manner in which the duties aforesaid are for the time being discharged by a local authority or the London County Council and, for that purpose, may—
 - (a) examine any records kept in connection with the discharge of those duties by the authority or Council;
 - (b) require the authority or Council or an inspector appointed by them in pursuance of this Act to give such assistance and information as the officer may reasonably specify; and
 - (c) make inquiries of any person who appears to the officer likely to be able to give him information with respect to the manner in which the duties aforesaid are for the time being discharged by the authority or Council.
- (3) The results of an inquiry under the last foregoing subsection shall, if the Minister so directs, be reported to him in writing by the officer by whom it was carried out; and

where that is done, the Minister shall send a copy of the report to the local authority in question (or to the London County Council, in a case where the subject of the inquiry was the manner in which their duties were for the time being discharged) and may, if he thinks fit, publish it in whole or in part.

- (4) The like powers as, by section 53 of this Act, are conferred on an inspector within the meaning of that section shall be exercisable by an officer appointed under this section ; and subsection (2) of that section shall, with requisite modifications, apply accordingly.
- (5) An officer appointed under this section shall, if so required when visiting any premises in exercise of powers conferred by the foregoing subsections, produce to the occupier of the premises some duly authenticated document showing that he is so appointed.

58 Power of local authorities to indemnify their inspectors

Where an action has been brought against an inspector appointed under section 52(1) or (5) of this Act in respect of an act done by him in the execution or purported execution of this Act and the circumstances are such that he is not legally entitled to require the authority by whom he was appointed to indemnify him, the authority may, nevertheless, indemnify him against the whole or part of any damages and costs or expenses which he may have been ordered to pay or may have incurred, if they are satisfied that he honestly believed that the act complained of had been within the scope of his employment and that his duty under this Act required or entitled him to do it.

59 Restriction of disclosure of information

If a person discloses (otherwise than in the performance of his duty or for the purposes of any legal proceedings, including arbitrations, or for the purposes of a report of any such proceedings as aforesaid) any information obtained by him in any premises entered by him in exercise of powers conferred by or by virtue of this Act, he shall be guilty of an offence and liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

60 Annual reports to Minister by local and fire authorities

- (1) A local authority, an authority discharging in any area the functions of fire authority under the Fire Services Act 1947 and the London County Council shall, as soon as practicable after the 31st December in the year in which this section comes into operation (and, in any event, not later than the end of March following), make to the Minister a report of their proceedings under this Act during the period beginning with the day on which this section comes into operation and ending with the said 31st December, being a report containing particulars with respect to such matters arising thereunder as he may by order prescribe, and shall, as soon as practicable after each anniversary of the last-mentioned day (and, in any event, not later than the end of March following) make to the Minister a report of their proceedings under this Act during the twelve months ending with that anniversary, being a report containing the like particulars.
- (2) A copy of every report made in pursuance of the foregoing subsection by an authority shall be kept at the authority's offices, shall be open to inspection by any person at all

reasonable hours free of charge and shall be supplied to any person on payment of a reasonable charge therefor.

61 Transfer of powers and duties of English or Welsh local authorities in default

- (1) Sections 322 to 325 (transfer of powers and duties of authorities in default) of the Public Health Act 1936 shall, subject to the modifications mentioned in the next following subsection, be deemed to be incorporated in this Act.
- (2) The modifications referred to in the foregoing subsection are the following:—
 - (a) references to the Minister shall be construed as referring to the Minister of Labour;
 - (b) for the words " council, port health authority or joint board " (wherever occurring) and the words " council, authority or board " (wherever occurring) there shall be substituted the words " local authority ";
 - (c) in section 322(3)(i), for the words from " the council of a county district" to " one county " (where secondly occurring) there shall be substituted the words " a local authority other than the council of a county borough ";
 - (d) in section 323, for the words " the council of a county district, a port health authority or a joint board ", there shall be substituted the words " a local authority ",
and in paragraph (a) of that section for the word " grant" there shall be substituted the word " contribution ";
 - (e) in section 324(2) the words "port health authority or joint' board" and the words "or board" shall be omitted.
- (3) Subsections (2) to (5) of section 290 of the Local Government Act 1933 (which provides for the holding of inquiries for the purposes of that Act) shall, with the substitution, for references to a department, of references to the Minister, apply to an inquiry held under the said section 322 by virtue of subsection (1) of this section as they apply to an inquiry held under the said section 290.
- (4) This section extends to England and Wales only.

62 Exercise and performance by Minister of powers and duties of Scottish local authorities in default

- (1) If the Minister is of opinion that an investigation should be made as to whether a local authority have failed to discharge any of their functions under this Act, he may cause a local inquiry to be held, and if, after the inquiry has been held, he is satisfied that there has been such a failure on the part of the local authority, he may by order empower an officer of his department to discharge or procure the discharge of any such function.
- (2) The amount (as certified by the Minister) of any expenses incurred in pursuance of the foregoing subsection shall, on demand, be paid to him by the local authority and shall be recoverable by him from them as a debt due to the Crown, and the authority shall have the like power of raising the money required as they have of raising money for defraying expenses incurred directly by them as a local authority.
- (3) In relation to a local inquiry held under subsection (1) above, the provisions of subsections (3) to (9) of section 355 of the Local Government (Scotland) Act 1947 (which relate to local inquiries) shall apply as they apply in relation to local inquiries under that section.

Status: This is the original version (as it was originally enacted).

- (4) Nothing in this section shall affect any other power exercisable by the Minister with respect to defaults of local authorities.
- (5) This section extends to Scotland only.