



# Offices, Shops and Railway Premises Act 1963

## 1963 CHAPTER 41

An Act to make fresh provision for securing the health, safety and welfare of persons employed to work in office or shop premises and provision for securing the health, safety and welfare of persons employed to work in certain railway premises; to amend certain provisions of the Factories Act 1961; and for purposes connected with the matters aforesaid. [31st July 1963]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### *Scope of Act*

#### **1 Premises to which this Act applies**

- (1) The premises to which this Act applies are office premises, shop premises and railway premises, being (in each case) premises in the case of which persons are employed to work therein.
- (2) In this Act—
  - (a) " office premises " means a building or part of a building, being a building or part the sole or principal use of which is as an office or for office purposes;
  - (b) " office purposes " includes the purposes of administration, clerical work, handling money and telephone and telegraph operating; and
  - (c) " clerical work " includes writing, book-keeping, sorting papers, filing, typing, duplicating, machine calculating, drawing and the editorial preparation of matter for publication;

and for the purposes of this Act premises occupied together with office premises for the purposes of the activities there carried on shall be treated as forming part of the office premises.

(3) In this Act—

- (a) "shop premises " means—
- (i) a shop;
  - (ii) a building or part of a building, being a building or part which is not a shop but of which the sole or principal use is the carrying on there of retail trade or business ;
  - (iii) a building occupied by a wholesale dealer or merchant where goods are kept for sale wholesale or a part of a building so occupied where goods are so kept, but not including a warehouse belonging to the owners, trustees or conservators of a dock, wharf or quay;
  - (iv) a building to which members of the public are invited to resort for the purpose of delivering there goods for repair or other treatment or of themselves there carrying out repairs to, or other treatment of, goods, or a part of a building to which members of the public are invited to resort for that purpose ;
  - (v) any premises (in this Act referred to as " fuel storage premises ") occupied for the purpose of a trade or business which consists of, or includes, the sale of solid fuel, being premises used for the storage of such fuel intended to be sold in the course of that trade or business, but not including dock storage premises or colliery storage premises;
- (b) " retail trade or business " includes the sale to members of the public of food or drink for immediate consumption, retail sales by auction and the business of lending books or periodicals for the purpose of gain;
- (c) " solid fuel" means coal, coke and any solid fuel derived from coal or of which coal or coke is a constituent ;
- (d) " dock storage premises " means fuel storage premises which constitute or are comprised in premises to which certain provisions of the Factories Act 1961 apply by virtue of section 125(1) (docks, etc.) of that Act; and
- (e) " colliery storage premises" means fuel storage premises which form part of premises which, for the purposes of the Mines and Quarries Act 1954, form part of a mine or quarry, other than premises where persons are regularly employed to work by a person other than the owner (as defined by that Act) of the mine or quarry;

and for the purposes of this Act premises occupied together with a shop or with a building or part of a building falling within sub-paragraph (ii), (iii) or (iv) of paragraph (a) above for the purposes of the trade or business carried on in the shop or, as the case may be, the building or part of a building, shall be treated as forming part of the shop or, as the case may be, of the building or part of the building, and premises occupied together with fuel storage premises for the purposes of the activities there carried on (not being office premises) shall be treated as forming part of the fuel storage premises, but for the purposes of this Act office premises comprised in fuel storage premises shall be deemed not to form part of the last-mentioned premises.

- (4) In this Act " railway premises " means a building 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 or a part (so occupied) of a building so situate, but does not include—

- (a) office or shop premises;
  - (b) premises used for the provision of living accommodation for persons employed in the undertaking, or hotels; or
  - (c) premises wherein are carried on such processes or operations as are mentioned in section 123(1) (electrical stations) of the Factories Act 1961 and for such supply as is therein mentioned.
- (5) For the purposes of this Act premises maintained in conjunction with office, shop or railway premises for the purpose of the sale or supply for immediate consumption of food or drink wholly or mainly to persons employed to work in the premises in conjunction with which they are maintained shall, if they neither form part of those premises nor are required by the foregoing provisions of this section to be treated as forming part of them, be treated for the purposes of this Act as premises of the class within which fall the premises in conjunction with which they are maintained.

## **2 Exception for premises in which only employer's relatives or outworkers work**

- (1) This Act shall not apply to any premises to which it would, apart from this subsection, apply, if none of the persons employed to work in the premises is other than the husband, wife, parent, grandparent, son, daughter, grandchild, brother or sister of the person by whom they are so employed.
- (2) A dwelling shall not, for the purposes of this Act, be taken to constitute or comprise premises to which this Act applies by reason only that a person dwelling there who is employed by a person who does not so dwell does there the work that he is employed to do in compliance with a term of his contract of service that he shall do it there.

## **3 Exception for premises where only 21 man-hours weekly normally worked**

- (1) This Act shall not apply to any premises to which it would, apart from this subsection, apply, if the period of time worked there during each week does not normally exceed twenty-one hours.
- (2) For the purposes of this section the period of time worked in any premises shall be deemed to be—
- (a) as regards a week in which one person only is employed to work in the premises, the period of time worked by him there;
  - (b) as regards a week in which two persons or more are so employed, the sum of the periods of time for which respectively those persons work there.
- (3) The Minister may by regulations direct that, in relation to premises generally, or any class of premises, subsection (1) of this section shall have effect with the substitution, for the reference to twenty-one hours, of a reference to such lesser number of hours as may be specified in the regulations.

### *Health, Safety and Welfare of Employees (General Provisions)*

## **4 Cleanliness**

- (1) All premises to which this Act applies, and all furniture, furnishings and fittings in such premises shall be kept in a clean state.

- (2) No dirt or refuse shall be allowed to accumulate in any part of premises to which this Act applies in which work, or through which pass, any of the persons employed to work in the premises ; and the floors of, and any steps comprised in, any such part as aforesaid shall be cleaned not less than once a week by washing or, if it is effective and suitable, by sweeping or other method.
- (3) The Minister may by regulations made as respects premises to which this Act applies, or any class of such premises, require that, in addition to the taking of the steps whose taking is requisite to secure compliance with the last foregoing subsection, there shall be taken, for the purpose of securing the cleanliness of premises to which the regulations apply and of the furniture, furnishings and fittings therein, such steps as may be prescribed by the regulations.
- (4) Neither subsection (2) of this section nor anything in regulations under the last foregoing subsection shall be construed as being in derogation of the general obligation imposed by subsection (1) of this section.
- (5) Nothing in this section or in regulations thereunder shall apply to fuel storage premises which are wholly in the open, and, in the case of such premises which are partly in the open, so much of them as is in the open shall, for the purposes of this section and of such regulations, be treated as not forming part of the premises.

## 5 Overcrowding

- (1) No room comprised in, or constituting, premises to which this Act applies shall, while work is going on therein, be so overcrowded as to cause risk of injury to the health of persons working therein; and in determining, for the purposes of this subsection, whether any such room is so overcrowded as aforesaid, regard shall be had (amongst other things) not only to the number of persons who may be expected to be working in the room at any time but also to the space in the room occupied by furniture, furnishings, fittings, machinery, plant, equipment, appliances and other things (whether similar to any of those aforesaid or not).
- (2) The number of persons habitually employed at a time to work in such a room as aforesaid shall not be such that the quotient derived by dividing by that number the number which expresses in square feet the area of the surface of the floor of the room is less than forty or the quotient derived by dividing by the first-mentioned number the number which expresses in cubic feet the capacity of the room is less than four hundred.
- (3) Subsection (2) of this section—
  - (a) shall not prejudice the general obligation imposed by subsection (1) thereof;
  - (b) shall not apply to a room to which members of the public are invited to resort; and
  - (c) shall not, in the case of a room comprised in, or constituting, premises of any class (being a room which at the passing of this Act is comprised in, or constitutes, premises to which this Act applies), have effect until the expiration of the period of three years beginning with the day on which the said subsection (1) comes into force as respects premises of that class.

## 6 Temperature

- (1) Effective provision shall be made for securing and maintaining a reasonable temperature in every room comprised in, or constituting, premises to which this Act applies, being a room in which persons are employed to work otherwise than for short periods, but no method shall be used which results in the escape into the air of any such room of any fume of such a character and to such extent as to be likely to be injurious or offensive to persons working therein.
- (2) Where a substantial proportion of the work done in a room to which the foregoing subsection applies does not involve severe physical effort, a temperature of less than 16 degrees Centigrade (which is equivalent to 60-8 degrees Fahrenheit) shall not be deemed, after the first hour, to be a reasonable temperature while work is going on.
- (3) The foregoing subsections shall not apply—
  - (a) to a room which comprises, or is comprised in or constitutes, office premises, being a room to which members of the public are invited to resort, and in which the maintenance of a reasonable temperature is not reasonably practicable; or
  - (b) to a room which comprises, or is comprised in or constitutes, shop or railway premises, being a room in which the maintenance of a reasonable temperature is not reasonably practicable or would cause deterioration of goods;but there shall be provided for persons who are employed to work in a room to which, but for the foregoing provisions of this subsection, subsection (1) of this section would apply, conveniently accessible and effective means of enabling them to warm themselves.
- (4) In premises to which this Act applies there shall, on each floor on which there is a room to which subsection (1) of this section applies, be provided in a conspicuous place and in such position as to be easily seen by the persons employed to work in the premises on that floor a thermometer of a kind suitable for enabling the temperature in any such room on that floor to be readily determined; and a thermometer provided in pursuance of this subsection shall be kept available for use by those persons for that purpose.
- (5) The Minister may, by regulations for premises to which this Act applies, or for any class of such premises, prescribe a standard of reasonable temperature (which may vary the standard prescribed by subsection (2) of this section and to which conformity shall be obligatory and a sufficient compliance with subsection (1) of this section so far as it relates to temperature) and prohibit the use of any methods of maintaining a reasonable temperature which, in his opinion, are likely to be injurious to the persons employed, and direct that thermometers shall be provided and maintained in specified places and positions in addition to any required by subsection (4) of this section to be provided.
- (6) It shall be the duty of the employer of persons for whom means of enabling them to warm themselves are provided in pursuance of subsection (3) of this section to afford them reasonable opportunities for using those means, and if he fails so to do he shall be guilty of an offence.
- (7) In this section "fume " includes gas or vapour.

## 7 Ventilation

- (1) Effective and suitable provision shall be made for securing and maintaining, by the circulation of adequate supplies of fresh or artificially purified air, the ventilation of every room comprised in, or constituting, premises to which this Act applies, being a room in which persons are employed to work.
- (2) The Minister may by regulations prescribe, for premises to which this Act applies or for any class of such premises, a standard of adequate ventilation conformity to which shall be obligatory and a sufficient compliance with the foregoing subsection.

## 8 Lighting

- (1) Effective provision shall be made for securing and maintaining, in every part of premises to which this Act applies in which persons are working or passing, sufficient and suitable lighting, whether natural or artificial.
- (2) The Minister may by regulations made as respects premises to which this Act applies, or any class of such premises, prescribe a standard of lighting conformity to which shall be obligatory and a sufficient compliance with the foregoing subsection.
- (3) All glazed windows and skylights used for the lighting of any part of premises to which this Act applies in which work, or through which pass, any of the persons employed to work in the premises shall, so far as reasonably practicable, be kept clean on both the inner and outer surfaces and free from obstruction ; but this subsection shall not affect the whitewashing or shading of windows or skylights for the purpose of mitigating heat or glare.
- (4) All apparatus installed at premises to which this Act applies for producing artificial lighting thereat in parts in which the securing of lighting is required by this section to be provided for shall be properly maintained.

## 9 Sanitary conveniences

- (1) There shall, in the case of premises to which this Act applies, be provided, at places conveniently accessible to the persons employed to work in the premises, suitable and sufficient sanitary conveniences for their use.
- (2) Conveniences provided in pursuance of the foregoing subsection shall be kept clean and properly maintained and effective provision shall be made for lighting and ventilating them.
- (3) The Minister may make regulations determining for premises to which this Act applies, or for any class of such premises, what is suitable and sufficient provision for the purposes of subsection (1) of this section.
- (4) Regulations under this section may provide that, where persons of both sexes are employed to work in premises to which the regulations apply, provision shall be deemed not to be suitable for the purposes of subsection (1) of this section unless it affords proper separate accommodation for persons of each sex.
- (5) Subsection (1) of this section shall be deemed to be complied with in relation to any premises as regards any period during which there are in operation arrangements for enabling the persons employed to work in the premises to have the use of sanitary conveniences provided for the use of others, being conveniences whose provision

would have constituted compliance with that subsection had they been provided in pursuance thereof for the first-mentioned persons and with respect to which the requirements of subsection (2) of this section are satisfied.

- (6) Neither sections 44 to 46 of the Public Health Act 1936 nor section 29 of the Public Health (Scotland) Act 1897 nor section 106 of the Public Health (London) Act 1936 (which relate to the provision and repair of sanitary conveniences for factories, &c.) shall apply to premises to which this Act applies.

## **10 Washing facilities**

- (1) There shall, in the case of premises to which this Act applies, be provided, at places conveniently accessible to the persons employed to work in the premises, suitable and sufficient washing facilities, including a supply of clean, running hot and cold or warm water and, in addition, soap and clean towels or other suitable means of cleaning or drying.
- (2) Every place where facilities are provided in pursuance of this section shall be provided with effective means of lighting it and be kept clean and in orderly condition, and all apparatus therein for the purpose of washing or drying shall be kept clean and be properly maintained.
- (3) The Minister may make regulations determining, for premises to which this Act applies, or for any class of such premises, what is suitable and sufficient provision for the purposes of subsection (1) of this section.
- (4) Regulations under this section may provide that, where persons of both sexes are employed to work in premises to which the regulations apply, provision shall be deemed not to be suitable for the purposes of subsection (1) of this section unless it affords proper separate accommodation for persons of each sex.
- (5) Subsection (1) of this section shall be deemed to be complied with in relation to any premises as regards any period during which there are in operation arrangements for enabling the persons employed to work in the premises to have the use of washing facilities provided for the use of others, being facilities whose provision would have constituted compliance with that subsection had they been provided in pursuance thereof for the first-mentioned persons and which are provided at a place with respect to which the requirements of subsection (2) of this section are satisfied.

## **11 Supply of drinking water**

- (1) There shall, in the case of premises to which this Act applies, be provided and maintained, at suitable places conveniently accessible to the persons employed to work in the premises, an adequate supply of wholesome drinking water.
- (2) Where a supply of water provided at a place in pursuance of the foregoing subsection is not piped, it must be contained in suitable vessels and must be renewed at least daily; and all practicable steps must be taken to preserve it and the vessels in which it is contained from contamination.
- (3) Where water a supply of which is provided in pursuance of this section is delivered otherwise than in a jet from which persons can conveniently drink, there shall either—
- (a) be provided, and be renewed so often as occasion requires, a supply of drinking vessels of a kind designed to be discarded after use ; or

- (b) be provided a sufficient number of drinking vessels of a kind other than as aforesaid, together with facilities for rinsing them in clean water.
- (4) Subsection (1) of this section shall be deemed to be complied with in relation to any premises as regards any period during which there are in operation arrangements for enabling the persons employed to work in the premises to avail themselves of a supply of drinking water provided and maintained for the use of others, being a supply whose provision and maintenance would have constituted compliance with that subsection had it been provided and maintained for the use of the first-mentioned persons, and—
- (a) where the supply provided is not piped, the requirements of subsection (2) of this section are satisfied as respects it and the vessels in which it is contained; and
  - (b) where the water supplied is delivered as mentioned in subsection (3) of this section, the requirements of that subsection are satisfied.

## 12 Accommodation for clothing

- (1) There shall, in the case of premises to which this Act applies.—
- (a) be made, at suitable places, suitable and sufficient provision for enabling such of the clothing of the persons employed to work in the premises as is not worn by them during working hours to be hung up or otherwise accommodated; and
  - (b) be made, for drying that clothing, such arrangements as are reasonably practicable or, if a standard of arrangements for drying that clothing is prescribed, such arrangements as conform to that standard.
- (2) Where persons are employed to do such work in premises to which this Act applies as necessitates the wearing of special clothing, and they do not take that clothing home, there shall, in the case of those premises.—
- (a) be made, at suitable places, suitable and sufficient provision for enabling that clothing to be hung up or otherwise accommodated; and
  - (b) be made, for drying that clothing, such arrangements as are reasonably practicable or, if a standard of arrangements for drying that clothing is prescribed, such arrangements as conform to that standard.
- (3) The Minister may make regulations—
- (a) determining for premises to which this Act applies, or for any class of such premises, what is suitable and sufficient provision for the purposes of the foregoing provisions of this section ;
  - (b) prescribing for such premises as aforesaid, or for any class thereof, a standard of arrangements for drying clothing.

## 13 Sitting facilities

- (1) Where persons who are employed to work in office, shop or railway premises have, in the course of their work, reasonable opportunities for sitting without detriment to it, there shall be provided for their use, at suitable places conveniently accessible to them, suitable facilities for sitting sufficient to enable them to take advantage of those opportunities.
- (2) Where persons are employed to work in a room which comprises, or is comprised in or constitutes, shop premises, being a room whereto customers are invited to resort, and have in the course of their work, reasonable opportunities for sitting without detriment



to it, facilities provided for their use in pursuance of subsection (1) of this section shall be deemed not to be sufficient if the number of seats provided and the number of the persons employed are in less ratio than 1 to 3.

- (3) It shall be the duty of the employer of persons for whose use facilities are provided in pursuance of the foregoing provisions of this section to permit them to use them whenever the use thereof does not interfere with their work, and if he fails so to do he shall be guilty of an offence.

#### **14 Seats for sedentary work**

- (1) Without prejudice to the general obligation imposed by the last foregoing section, where any work done in any premises to which this Act applies is of such a kind that it (or a substantial part of it) can, or must, be done sitting, there shall be provided for each person employed to do it there a seat of a design, construction and dimensions suitable for him and it, together with a foot-rest on which he can readily and comfortably support his feet if he cannot do so without one.
- (2) A seat provided in pursuance of the foregoing subsection, and a foot-rest so provided that does not form part of a seat, must be adequately and properly supported while in use for the purpose for which it is provided.
- (3) For the purpose of subsection (1) of this section, the dimensions of an adjustable seat shall be taken to be its dimensions as for the time being adjusted.

#### **15 Eating facilities**

Where persons employed to work in shop premises eat meals there, suitable and sufficient facilities for eating them shall be provided.

#### **16 Floors, passages and stairs**

- (1) All floors, stairs, steps, passages and gangways comprised in premises to which this Act applies shall be of sound construction and properly maintained and shall, so far as is reasonably practicable, be kept free from obstruction and from any substance likely to cause persons to slip.
- (2) For every staircase comprised in such premises as aforesaid, a substantial hand-rail or hand-hold shall be provided and maintained, which, if the staircase has an open side, shall be on that side; and in the case of a staircase having two open sides or of a staircase which, owing to the nature of its construction or the condition of the surface of the steps or other special circumstances, is specially liable to cause accidents, such a hand-rail or hand-hold shall be provided and maintained on both sides.
- (3) Any open side of a staircase to which the last foregoing subsection applies, shall also be guarded by the provision and maintenance of efficient means of preventing any person from accidentally falling through the space between the hand-rail or hand-hold and the steps of the staircase.
- (4) All openings in floors comprised in premises to which this Act applies shall be securely fenced, except in so far as the nature of the work renders such fencing impracticable.
- (5) The foregoing provisions of this section shall not apply to any such part of any fuel storage premises as is in the open, but in relation to any such part the following provisions shall have effect, namely.—

- (a) the surface of the ground shall be kept in good repair;
- (b) all steps and platforms shall be of sound construction and properly maintained ;
- (c) all openings in platforms shall be securely fenced, except in so far as the nature of the work renders such fencing impracticable.

## **17 Fencing of exposed parts of machinery**

- (1) Every dangerous part of any machinery used as, or forming, part of the equipment of premises to which this Act applies shall be securely fenced unless it is in such a position or of such construction as to be as safe to every person working in the premises as it would be if securely fenced.
- (2) In so far as the safety of a dangerous part of any machinery cannot, by reason of the nature of the operation effected by means of the machinery, be secured by means of a fixed guard, the requirements of the foregoing subsection shall be deemed to be complied with if a device is provided that automatically prevents the operator from coming into contact with that part
- (3) In determining, for the purposes of subsection (1) of this section, whether a moving part of any machinery is in such a position or of such construction as is therein mentioned, no account shall be taken of any person carrying out while the part is in motion an examination thereof or any lubrication or adjustment shown by the examination to be immediately necessary, if the examination, lubrication or adjustment can only be carried out while the part is in motion.
- (4) Fencing provided in pursuance of the foregoing provisions of this section shall be of substantial construction, be properly maintained and be kept in position while the parts required to be fenced are in motion or use, except when any such parts are necessarily exposed for examination and for any lubrication or adjustment shown by the examination to be immediately necessary.
- (5) Subsection (3) of this section, and so much of subsection (4) thereof as relates to the exception from the requirement thereby imposed, shall only apply where the examination, lubrication or adjustment in question is carried out by such persons who have attained the age of eighteen as may be specified in regulations made by the Minister and all other such conditions as may be so specified are complied with.

## **18 Avoidance of exposure of young persons to danger in cleaning machinery**

- (1) No young person employed to work in premises to which this Act applies shall clean any machinery used as, or forming, part of the equipment of the premises if doing so exposes him to risk of injury from a moving part of that or any adjacent machinery.
- (2) In this section "young person" means a person who has not attained the age of eighteen.

## **19 Training and supervision of persons working at dangerous machines**

- (1) No person employed to work in premises to which this Act applies shall work there at any machine to which this section applies unless he has been fully instructed as to the dangers arising in connection with it and the precautions to be observed, and—
  - (a) has received a sufficient training in work at the machine; or

- (b) is under adequate supervision by a person who has a thorough knowledge and experience of the machine.
- (2) This section applies to such machines as may be prescribed by order of the Minister, being machines which in his opinion are of such a dangerous character that persons ought not to work at them unless the foregoing requirements are complied with.

## **20 Regulations for securing health and safety**

- (1) The Minister may, as respects premises to which this Act applies or any class of such premises, make special regulations for protecting persons, or persons of any class, working in such premises or, as the case may be, in such premises of the class to which the regulations apply, against risks of bodily Injury or injury to health arising out of the use of any machinery, plant, equipment, appliance or substance, the carrying on of any operation or the use of any process.
- (2) Regulations under this section may make any such provision for the purpose aforesaid as appears to the Minister to meet the necessity of the case so far as is reasonably practicable, and may impose obligations, restrictions and prohibitions on those who employ persons to work as aforesaid, on persons employed so to work, and on others.
- (3) Without prejudice to the generality of the last foregoing subsection, regulations under this section may provide for—
- (a) regulating or prohibiting the use of any machinery, plant, equipment, appliance or substance, the carrying on of any operation or the use of any process;
  - (b) imposing requirements with respect to the construction, installation, examination, repair, maintenance, alteration, adjustment and testing of machinery, plant, equipment or appliances and the safeguarding of dangerous parts thereof;
  - (c) prohibiting the sale or letting on hire for use in premises in Great Britain to which this Act applies (or, where the regulations relate to a class of such premises, for use in such premises of that class) of any machinery, plant, equipment or appliance which does not comply with requirements of the regulations;
  - (d) any incidental, supplementary or consequential matters for which it appears to the Minister requisite or expedient to provide for the purposes of the regulations.
- (4) A person who contravenes a provision of regulations under this section (other than a provision having effect by virtue of paragraph (c) of the last foregoing subsection) shall be guilty of an offence.
- (5) A person who contravenes a provision of regulations having effect by virtue of paragraph (c) of subsection (3) of this section or, as agent of the seller or hirer, causes or procures any machinery, plant, equipment or appliance to be sold or let on hire in contravention of any such provision, shall be guilty of an offence and liable to a fine not exceeding two hundred pounds.
- (6) An offence under the last foregoing subsection shall, where necessary for conferring jurisdiction on a court to entertain proceedings for the offence, be deemed to have been committed in the place where the machinery, plant, equipment or appliance in question is for the time being.

- (7) Proceedings for an offence under subsection (5) of this section may be commenced at any time within twelve months from the time when the offence was committed.
- (8) Where a contravention of a provision of regulations under this section consists in a failure to do anything at or within a time specified in the regulations, and the regulations provide that this subsection shall apply to a failure so to do it, the contravention shall be deemed to continue until that thing is done.
- (9) A requirement imposed by virtue of subsection (3)(b) of this section with respect to the safeguarding of dangerous parts of machinery may be expressed to take effect in addition to, or in lieu of, a requirement imposed by section 17 of this Act.
- (10) So far as regards machinery, plant, equipment or appliances, nothing in this section shall be construed as restricting the exercise of the powers thereby conferred to the making of provision with respect to machinery, plant, equipment or appliances wholly situate in premises to which this Act applies.

## **21 Regulations for controlling noise and vibrations**

- (1) The Minister may make special regulations for protecting persons employed to work in premises to which this Act applies, or any class of such premises, from risks of bodily injury or injury to health arising from noise or vibrations and for preventing the welfare of persons so employed from being adversely affected by noise or vibrations.
- (2) Regulations under this section may make any such provision for the purpose aforesaid as appears to the Minister to meet the necessity of the case so far as is reasonably practicable, and may impose obligations, restrictions and prohibitions on those who employ persons to work as aforesaid, on persons employed so to work, and on others.
- (3) A person who contravenes a provision of regulations under this section shall be guilty of an offence.

## **22 Power of magistrates' courts and sheriffs to make orders for putting down dangerous-conditions and practices**

- (1) Where, in the case of premises to which this Act applies, an appropriate court is satisfied, on a complaint (or, in Scotland, a summary application) made by or on behalf of an authority or person having power to enforce with respect to the premises any of the foregoing provisions of this Act—
  - (a) that any part of the premises is in such a condition or is so constructed that it cannot be used without risk of bodily injury or injury to health; or
  - (b) that any machinery, plant, equipment or appliance used in the premises is in such a condition, is so constructed or is so placed that it cannot be used without such risk; or
  - (c) that an operation carried on in the premises, or a process used therein, is so carried on or used in such a manner as to cause such risk;the following provisions shall have effect:—
  - (i) if the case falls within paragraph (a) of this subsection, the court may by order prohibit the use of the part in question absolutely, unless it is satisfied that it can be so repaired or altered as to permit of its being used without such risk as aforesaid, in which case it may prohibit its use until it has been so repaired or altered;

- (ii) if the case falls within paragraph (b) of this subsection, the court may by order prohibit the use of the machinery, plant, equipment or appliance in question absolutely, unless it is satisfied that it can be so repaired, altered or moved as to permit of its being used as aforesaid, in which case it may prohibit its use until it has been so repaired, altered or moved ;
  - (iii) if the case falls within paragraph (c) of this subsection, the court may by order prohibit the carrying on or use of the operation or process in question absolutely, unless it is satisfied that there can be taken such steps as will enable it to be carried on or used otherwise than in such a manner as to cause such risk as aforesaid, in which case it may, as the circumstances require, prohibit the carrying on or use of it until such steps as aforesaid have been taken or prohibit the carrying on or use of it unless such steps as aforesaid are taken in the course of the carrying on or use of it.
- (2) Where a complaint or summary application is, or has been, made under the foregoing subsection, the court—
- (a) if satisfied on evidence tendered upon an application made by or on behalf of the authority or person by whom or on whose behalf the complaint or summary application is, or was, made, that the use of the part of the premises or the thing, or, as the case may be, the carrying on or use of the operation or process, that is the subject of the complaint or summary application involves imminent risk of bodily injury or injury to health; and
  - (b) if satisfied also that three clear days' notice of intention to make an application under this subsection (stating the time at which it would be made) has been given to the occupier of the premises;
- and after affording to the occupier (if he appears) an opportunity to be heard, may make an interim order prohibiting, either absolutely or subject to conditions, the use of the part or thing or, as the case may be, the carrying on or use of the operation or process until the earliest opportunity for hearing and determining the complaint or summary application.
- (3) In this section " appropriate court" means, as regards premises in England or Wales, a magistrates' court acting for the petty sessions area in which the premises are situate and, as regards premises in Scotland, the sheriff within whose jurisdiction the premises are situate; and, in exercising its powers under the last foregoing subsection, a magistrates' court may be composed of a single justice.

## **23 Prohibition of heavy work**

- (1) No person shall, in the course of his work in premises to which this Act applies, be required to lift, carry or move a load so heavy as to be likely to cause injury to him.
- (2) The Minister may make regulations prescribing the maximum weights which persons employed to work in premises to which this Act applies may lift, carry or move in the course of their work there; and any such regulations may relate either generally to such persons as aforesaid or to any class of such persons.

## **24 First aid: general provisions**

- (1) In the case of all premises to which this Act applies there shall be provided so as to be readily accessible a first-aid box complying with the requirements of the next following subsection or a first-aid cupboard so complying, and, where the number of persons employed to work in the premises exceeds one hundred and fifty at any one

time, an additional such box or cupboard for each unit of one hundred and fifty persons comprised in the excess (any fraction of a unit being treated as one).

- (2) The said requirements are that the box or cupboard—
  - (a) contains first-aid requisites and appliances of such descriptions and in such quantities as may be prescribed by order made by the Minister; and
  - (b) contains no articles other than first-aid requisites or appliances.
- (3) A first-aid box or cupboard provided in the case of any premises in pursuance of the foregoing provisions of this section must be in the charge of a responsible person, and no box or cupboard so provided must be in the charge of a person who has charge of another box or cupboard provided in those premises in pursuance of the said provisions.
- (4) Where persons to a number exceeding the relevant number are employed to work at any one time in premises to which this Act applies, then—
  - (a) if no more than one first-aid box or cupboard is required by this section to be provided in the case of the premises, the person in charge of it must be trained in first-aid treatment and always available during working hours;
  - (b) if two or more boxes or cupboards are so required to be so provided, one of the persons in charge of the respective boxes or cupboards must be so trained and available.

In this subsection " relevant number ", in relation to any premises, means one hundred and fifty or such less number as may by regulations be prescribed by the Minister in relation either to premises generally or to premises of a class within which the first-mentioned premises fall.

- (5) Where paragraph (a) of the last foregoing subsection applies to any premises, there must be displayed therein, at such place, in such a position, and in such characters, as to be easily seen and read by the persons employed to work in the premises, a notice stating the name of the person in charge of the box or cupboard and the fact of his being in charge of it; and where paragraph (b) of that subsection applies to any premises, there must be displayed therein, at such place, in such a position, and in such characters, as aforesaid, a notice stating—
  - (a) in a case where the availability of a single person is relied on to secure compliance with that paragraph, his name, the fact of his being in charge of a first-aid box or cupboard and that he is always available during working hours;
  - (b) in a case where the availability of one or other of two or more persons is so relied on, the names of each of them, the fact of their each being in charge of a first-aid box or cupboard, and that one or other of them is always so available.
- (6) For the purposes of this section a person shall be deemed not to be trained in first-aid treatment unless he satisfies such conditions as may be prescribed by order made by the Minister.
- (7) Where a first-aid room is maintained at, or in conjunction with, premises to which this Act applies, and arrangements exist for securing the immediate treatment in that room of persons who, while in the premises, suffer bodily injury or become ill, the authority having power to enforce compliance, in the case of those premises, with the foregoing provisions of this section, may by instrument in writing served on the occupier of the premises, exempt the premises, so long as the arrangements continue in force, from the requirements of the said provisions to such extent and subject to such conditions as may be specified in the instrument.

- (8) Subsection (5) of this section shall not apply to fuel storage premises which are wholly in the open, but in the case of such premises which are wholly in the open there must be given to each person employed to work there a notice stating the like particulars as would be stated in such a notice as for the time being would, by virtue of that subsection, be required to be displayed in the premises if that subsection applied to them.
- (9) This section shall not apply to premises which, for the purposes of the Mines and Quarries Act 1954, form part of a mine or quarry or which are comprised in an institution which provides medical or surgical treatment for in-patients or an institution which, not being such an one as aforesaid, is carried on by a person registered under Part VI of the Public Health Act 1936, the Nursing Homes Registration (Scotland) Act 1938 or Part XI of the Public Health (London) Act 1936.

**25 First aid: premises inside, but for purposes of Factories Act 1961 not forming part of, factory**

- (1) The Minister may by special regulations provide that premises to which this Act applies 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, or such premises as aforesaid of a class specified in the regulations.—
- (a) shall be excepted from the operation of the last foregoing section; and
  - (b) shall, notwithstanding the said subsection (6), be deemed for the purposes of section 61 (first aid) of that Act to form part of the factory of which, but for that subsection, they would, for the purposes of that Act, form part.
- (2) Regulations under this section may provide that, for the purposes of the application to a factory of subsection (4) of the said section 61 (which, amongst other things, requires that the person under whose charge is placed a first-aid box or cupboard provided in a factory in pursuance of that section must, where more than fifty or other a lower prescribed number of persons are employed, be trained in first-aid treatment), persons employed to work in premises which, by virtue of the regulations, are deemed, for the purposes of that section, to form part of the factory shall (according as may be specified in the regulations) be left out of account or be taken into account to a number (ascertained in accordance with the regulations) less than the full number thereof.

**26 First aid: office premises erected for purposes of building operations, &c**

- (1) This section applies to office premises to which this Act applies, being premises erected—
- (a) at, or adjacent to, a place where there are carried on operations to which section 127(1) (building operations and works of engineering construction), of the Factories Act 1961 applies or works to which that section applies; and
  - (b) for the purpose of, or in connection with, the operations or works.
- (2) The Minister may by special regulations provide that premises to which this section applies, or such premises as aforesaid of a class specified in the regulations.—
- (a) shall be excepted from the operation of section 24 of this Act; and
  - (b) shall be deemed, for the purposes of any regulation as to first aid made by virtue of section 127(2) of the said Act of 1961 which is applicable to the place where there are carried on the operations or works for the purpose of

which, or in connection with which, the premises were erected, to form part of that place.

## **27 Penalization of dangerous acts and interference with equipment, &c**

- (1) A person who, in premises to which this Act applies, wilfully and without reasonable cause does anything likely to endanger the health or safety of persons employed to work therein shall be guilty of an offence.
- (2) A person who, in premises to which this Act applies, wilfully interferes with, wilfully misuses or without reasonable excuse removes any equipment, appliance, facilities or other thing provided there in pursuance of this Act or regulations thereunder shall be guilty of an offence.
- (3) Nothing in this section shall be taken as limiting the power conferred by section 20 or 21 of this Act to make by regulations any such provision as is mentioned in, as the case may be, the one section or the other, including further provision as to matters which are the subject of this section.

### *Fire Precautions*

## **28 Provision of means of escape in case of fire**

- (1) All premises to which this Act applies shall be provided with such means of escape in case of fire for the persons employed to work therein as may reasonably be required in the circumstances of the case.
- (2) In determining, for the purposes of this section, what means of escape may reasonably be required in the case of any premises, regard shall be had (amongst other things) not only to the number of persons who may be expected to be working in the premises at any time but also to the number of persons (other than those employed to work therein) who may reasonably be expected to be resorting to the premises at that time.

## **29 Certification of premises by appropriate authority**

- (1) Subject to the provisions of subsection (8) of this section and of regulations made under subsection (9) thereof and to the following provisions of this Act, it shall not be lawful—
  - (a) for more than twenty persons to be employed to work at any one time in any premises to which this Act applies;
  - (b) for more than ten persons to be so employed elsewhere than on the ground floor of any such premises; or
  - (c) for any person to be employed to work in any such premises in or underneath which explosive or highly flammable materials of a kind prescribed by regulations made by the Minister are used or are stored in a quantity not less than such as may be so prescribed;

unless there is in force with respect to the premises a certificate (hereafter in this Act referred to as a " fire certificate ") issued under the following provisions of this section by the appropriate authority (as hereafter in this Act defined) that the premises are provided with such means of escape in case of fire for the persons employed to work therein, or proposed to be so employed, as may reasonably be required in the circumstances of the case, nor, where a building contains two sets or more of premises



to which this Act applies, shall the employment of a person to work in either (or any) of them be lawful without a fire certificate's being in force with respect to the set in which he is so employed if—

- (i) the aggregate of persons employed to work at any one time in both (or all) of the sets of premises exceeds twenty; or
  - (ii) more than ten persons are employed at any one time to work in one of them elsewhere than on the ground floor of the building, or, of the aggregate of the persons employed to work at any one time in both (or all) of them, more than ten are employed to work at that time elsewhere than as aforesaid.
- (2) An application for the issue of a fire certificate with respect to any premises must be made to the appropriate authority in such form as may be prescribed by order made by the Minister and state the greatest number of persons employed to work at any one time in the premises or proposed to be so employed and such other (if any) particulars as may be so prescribed, and, if regulations made by the Minister so require, must be accompanied by such plans of the premises as may be specified in the regulations.
- (3) Where such an application is duly made with respect to any premises, and (if that is required by virtue of the last foregoing subsection) is accompanied by the specified plans, it shall be the duty of the appropriate authority to cause an inspection to be carried out of the premises and the means of escape therefrom in case of fire for the persons employed to work therein, or proposed to be so employed, with which the premises are provided and, if satisfied that the means with which the premises are provided are such as may reasonably be required in the circumstances of the case, to issue a certificate to that effect.
- (4) Where the appropriate authority, after causing, in pursuance of the last foregoing subsection, an inspection to be carried out of any premises, inform the applicant that they will not issue a fire certificate with respect to the premises unless specified alterations are made thereto, they shall specify the time within which the alterations are to be carried out and, if the certificate is not issued, it shall be deemed to have been refused at the expiration of the time so specified or such further time as the authority may have allowed.
- (5) A fire certificate issued with respect to any premises shall—
  - (a) specify the greatest number of persons who, in the opinion of the appropriate authority, can safely be employed to work at any one time in the premises;
  - (b) specify precisely and in detail the means of escape provided and state which of them are to be treated as relevant for the purposes of the following provisions of this Act relating to the marking of exits affording or giving access to means of escape ;
  - (c) if the appropriate authority be of opinion that there inhere in the premises special risks of the outbreak or spread of fire, state that the authority are of that opinion and specify those risks;and shall be sent to the occupier of the premises.
- (6) A fire certificate issued with respect to any premises shall be kept there so long as it is in force.
- (7) If any persons are employed to work in any premises in contravention of subsection (1) of this section, the occupier of the premises shall be guilty of an offence and liable to a fine not exceeding two hundred pounds or, on a second or subsequent conviction, not exceeding five hundred pounds.

- (8) Subsection (1) of this section shall not render unlawful the employment of persons to work in any premises during the period beginning with the day on which an application (accompanied, if that is required by virtue of subsection (2) of this section, by the specified plans of the premises) for the issue of a fire certificate with respect to the premises is duly made to the appropriate authority and ending with the day on which, as the case may be, a fire certificate is issued pursuant to that application or the issue of a fire certificate pursuant thereto is refused.
- (9) The Minister may by special regulations so modify subsection (1) of this section that it renders unlawful the employment of persons to work in premises of a class specified in the regulations whose employment to work there would not otherwise be unlawful by virtue of that subsection or so modify that subsection that it ceases to render unlawful the employment of persons to work in premises of a class so specified whose employment to work there would otherwise be unlawful by virtue of that subsection.
- (10) Where, after the coming into operation of building standards regulations within the meaning of the Building (Scotland) Act 1959, the appropriate authority are satisfied that premises in Scotland to which the said regulations apply comply with those regulations with respect to the structural requirements of the means of escape from fire, they shall not for the purposes of this or the next following section specify any alterations in respect of those premises to a standard higher than that of the said requirements.
- (11) Subsection (2) of the last foregoing section shall have effect for the purposes of this section as it has effect for the purposes of that.

### **30 Maintenance of means of escape in case of fire, and inspection by appropriate authority**

- (1) All means of escape specified in a fire certificate shall be properly maintained and kept free from obstruction.
- (2) So long as a fire certificate is in force with respect to any premises, the appropriate authority may at any time cause the premises to be inspected for the purpose of ascertaining whether there has been a change of conditions by reason of which the existing means of escape in case of fire have become insufficient.
- (3) If, while a fire certificate is in force with respect to any premises, it is proposed to make a material extension to, or material structural alteration of, the premises, to increase the number of persons employed to work therein at any one time above that stated in the certificate, to begin to use therein materials of a kind prescribed by virtue of section 29(1)(c) of this Act or to begin to store therein such materials in a quantity not less than that so prescribed, the occupier shall, before effect is begun to be given to the proposals, give to the appropriate authority notice of the proposals.
- (4) If—
  - (a) the appropriate authority are satisfied, with respect to any premises with respect to which a fire certificate is in force (whether as a result of an inspection caused by them to be carried out under subsection (2) of this section or otherwise), that the existing means of escape from the premises in case of fire have, in consequence of a change of conditions, become insufficient; or
  - (b) the appropriate authority are satisfied, with respect to any premises with respect to which a notice under the last foregoing subsection has been given

to them, that the giving of effect to the proposals notified will result in the means of escape from the premises in case of fire becoming insufficient;

they may, in a case falling within paragraph (a) above, by notice served on the occupier of the premises, require him to make to the premises, within such period as may be specified in the notice, such alterations as may be so specified, or, in a case falling within paragraph (b) above, by notice so served prohibit effect's being given to the proposals till the occupier shall have made to the premises such alterations as may be so specified, and, in either case, they shall, upon the alterations' being made, amend the certificate or issue a new one.

- (5) In the event of a contravention of a requirement or prohibition imposed by a notice served under the last foregoing subsection with respect to any premises, the occupier of the premises shall be guilty of an offence, and upon his conviction thereof the appropriate authority shall cancel the fire certificate issued with respect to the premises ; and the appropriate authority may cancel the fire certificate issued with respect to any premises if they are satisfied that there has been such a contravention as aforesaid with respect to the premises (whether or not proceedings are brought in respect of the contravention).
- (6) Where the appropriate authority are satisfied, with respect to any premises with respect to which a notice under subsection (3) of this section has been given to them, that the giving of effect to the proposals notified will not result in the means of escape from the premises in case of fire becoming insufficient, they shall, upon production of the fire certificate in force with respect to the premises, cause to be written on the certificate a statement that they are so satisfied.

### **31 Right of appeal against matters arising out of sections 29 and 30**

- (1) A person who is aggrieved—
  - (a) by the refusal of the appropriate authority to issue a fire certificate with respect to any premises;
  - (b) by the refusal of the appropriate authority to amend a fire certificate issued with respect to any premises;
  - (c) by being required under the last foregoing section by the appropriate authority to make any alterations to any premises or by the period within which he is so required to make any such alterations;
  - (d) by the prohibition under the last foregoing section by the appropriate authority of effect's being given to proposals till alterations shall have been made to any premises; or
  - (e) by the cancellation, in pursuance of subsection (5) of the last foregoing section, of a fire certificate issued with respect to any premises;

may, within twenty-one days of the refusal, notice of requirement or prohibition or cancellation, appeal, if the premises are situate in England or Wales, to a magistrates' court acting for the petty sessions area in which they are situate or, if they are situate in Scotland, to the sheriff within whose jurisdiction they are situate, and on any such appeal the court may make such order as it, or, as the case may be, the sheriff may make such order as he, thinks fit, and an order so made, shall be binding on the appropriate authority.

- (2) Where an appeal is brought under this section against the refusal of the appropriate authority to issue a fire certificate with respect to any premises or the cancellation in pursuance of subsection (5) of the last foregoing section of a fire certificate issued

with respect to any premises, section 29(1) of this Act shall not render unlawful the employment of persons to work in the premises until the appeal is finally determined.

### **32 Power of magistrates' courts and sheriffs to make orders for putting down dangerous conditions in regard to means of escape in case of fire**

If the appropriate authority are satisfied that the conditions in regard to escape in the case of fire in the case of any premises to which this Act applies are so dangerous that, until steps have been taken to remedy the danger, persons ought not (according to the circumstances of the case)—

- (a) to be employed to work in the premises or in a particular part thereof, or
- (b) to be employed to work in connection with the carrying on in the premises or in a particular part thereof of some particular process, or
- (c) to be employed to do in the premises or in a particular part thereof some particular work ;

the authority may, if the premises are situate in England or Wales, make a complaint to a magistrates' court acting for the petty sessions area in which the premises are situate or, if they are situate in Scotland, make a summary application to the sheriff within whose jurisdiction they are situate, and the court or, as the case may be, the sheriff, on being similarly satisfied, may by order prohibit, to the extent appropriate in the said circumstances, the employment of persons to work in the premises until such steps shall have been taken as, in the opinion of the court or, as the case may be, the sheriff, are necessary to remedy the danger.

### **33 Safety provisions in case of fire**

- (1) While a person employed to work in premises to which this Act applies is in the premises for the purpose of doing his work or eating a meal, the doors of any doorways through which he might have to pass so as to get out of the premises shall not be so locked or fastened that they cannot be immediately opened by him on his way out.
- (2) The contents of any room in premises to which this Act applies, being a room wherein work is done by any of the persons employed to work in the premises, shall be so arranged or disposed as to afford, to the persons who work in the room, free passage-way to a means of escape in case of fire.
- (3) So long as a fire certificate with respect to any premises is in force, all exits affording, or giving access to, means of escape stated in the certificate to be relevant as mentioned in section 29(5)(b) of this Act (other than exits in ordinary use) shall be distinctively and conspicuously marked by notices printed in letters of adequate size.

### **34 Fire alarms**

- (1) All premises to which this section applies shall be provided with effective means, capable of being operated without exposing any person to undue risk, of giving warning in case of fire.
- (2) All means of giving warning in case of fire with which any premises are provided in pursuance of this section shall be tested or examined at least once in every period of three months and whenever so required by the appropriate authority.
- (3) The Minister may by regulations prescribe the nature of the test or examination to be carried out in pursuance of the last foregoing subsection.

- (4) This section applies to any premises with respect to which a fire certificate is in force and any premises in the case of which persons are for the time being employed to work therein, being persons whose employment so to work would, apart from section 29(8) or 31(2) of this Act, be unlawful by virtue of section 29(1) thereof.

**35 Power of Minister to make regulations with respect to means of escape in case of fire**

- (1) The Minister may make, as respects premises to which this Act applies, or any specified class of such premises, regulations as to the means of escape in case of fire to be provided therein, but nothing in regulations under this subsection shall be construed as being in derogation of the general obligation imposed by section 28 of this Act.
- (2) If any premises with respect to which a fire certificate is in force are not in conformity with regulations under this section applicable to the premises, the appropriate authority shall serve on the occupier of the premises notice requiring him to make to the premises, within such period as may be specified in the notice, such alterations as they consider necessary to bring the premises into conformity with the regulations, and, upon the alterations' being made, they shall amend the certificate or issue a new one.

Sections 50(5) and 31 of this Act shall have effect in a case in which a notice is issued under this subsection with respect to any premises as they have effect in a case in which a notice is issued under section 30(4) of this Act requiring alterations to be made to premises.

**36 Employees to be made familiar with means of escape in case of fire**

- (1) Effective steps shall be taken to ensure that all persons employed to work in any such premises as are mentioned in section 34(4) of this Act are familiar with the means of escape from the premises in case of fire and their use and with the routine to be followed in case of fire.
- (2) The Minister may make regulations as to the steps to be taken for the purposes of the foregoing subsection in premises to which that subsection applies or in any class of such premises.

**37 Fire prevention**

- (1) The Minister may make, as respects premises to which this Act applies, or any specified class of such premises, special regulations as to the measures to be taken to reduce the risk of the outbreak of fire therein or of the spread of any fire that breaks out therein or the smoke therefrom.
- (2) Regulations under the foregoing subsection may, amongst other things, prescribe requirements as to the internal construction of premises to which the regulations apply, and the materials used in that construction, and provide, as regards any of the provisions of the regulations, that some other person or persons shall be responsible for a contravention thereof instead of, or as well as, the occupier.

**38 Provision of fire-fighting equipment**

- (1) In all premises to which this Act applies there shall be provided and maintained appropriate means for fighting fire, which shall be so placed as to be readily available for use.
- (2) The Minister may, as respects any class of premises to which this Act applies, make special regulations prescribing means for fighting fire, and any such regulations may provide for the testing or examination of the means so specified and provide, as regards any of the provisions of the regulations, that some other person or persons shall be responsible for a contravention thereof instead of, or as well as, the occupier.
- (3) Any requirement imposed by regulations under the last foregoing subsection may, so far as regards premises of the class to which the regulations apply, be imposed either in substitution for, or without prejudice to, the general requirements of subsection (1) of this section.

**39 Appropriate authority for purposes of sections 28 to 38**

- (1) Subject to subsection (2) of this section, for the purposes of sections 28 to 38 of this Act the appropriate authority shall, as respects any premises, be the authority discharging in the area in which the premises are situate the functions of fire authority under the Fire Services Act 1947, except that.—
  - (a) for the purposes of the application of section 34 to premises with respect to which the enforcement of provisions of this Act is provided for by section 52(4) of this Act, it shall be a factory inspector or a person authorised under section 52(3) of this Act by the Minister; and
  - (b) for the purposes of the application of section 34 to premises with respect to which the enforcement of provisions of this Act is provided for by section 52(6) of this Act, it shall be a mine and quarry inspector or a person authorised under that subsection by the Minister of Power.
- (2) In the case of premises with respect to which the enforcement of provisions of this Act by factory inspectors and such persons (other than factory inspectors) as the Minister may authorise in that behalf is provided for by section 52(3) of this Act.—
  - (a) for the purposes of the provisions of sections 28 to 38 of this Act (except sections 29(2) and (8) and 30(3)) the appropriate authority shall be a factory inspector or a person authorised under the said section 52 (3) by the Minister;
  - (b) for the purposes of the said excepted provisions, the appropriate authority shall be the factory inspector in charge of the district in which the premises are situate (and accordingly, section 30(4)(b) and (6) of this Act shall, in the case of such premises, have effect with the substitution, for the word " them " , of the words " the factory inspector in charge of the district in which the premises are situate ").

**40 Exclusion of application of sections 28 to 38 to certain fuel storage premises and modification thereof in relation to others**

Nothing in sections 28 to 38 of this Act or in regulations under any of those sections shall apply to fuel storage premises which are wholly in the open, and, in the case of such premises which are partly in the open, so much of them as is in the open shall, for the purposes of those sections and of such regulations, be treated as not forming part of the premises.

**41 Duty of appropriate authority, if not concerned with construction of buildings, to consult authority so concerned before requiring alterations to be made**

(1) Before the appropriate authority—

- (a) inform the applicant for the issue of a fire certificate with respect to any premises situate elsewhere in England and Wales than in the administrative county of London that they will not issue the certificate unless specified alterations are made to the premises; or
- (b) serve, under section 30(4) or 35(2) of this Act, a notice on the occupier of any premises so situate;

they shall, if not themselves the local authority (within the meaning of the Public Health Act 1936) for the area in which the premises are situate, consult that authority.

(2) Before the appropriate authority—

- (a) inform the applicant for the issue of a fire certificate with respect to any premises situate in Scotland that they will not issue the certificate unless specified alterations are made to the premises; or
- (b) serve, under section 30(4) or 35(2) of this Act, a notice on the occupier of any premises so situate;

they shall, if not themselves the local authority (within the meaning of the Building (Scotland) Act 1959) for the area in which the premises are situate, consult that authority.

(3) Before the appropriate authority—

- (a) inform the applicant for the issue of a fire certificate with respect to any premises situate in the administrative county of London that they will not issue the certificate unless specified alterations are made to the premises; or
- (b) serve, under section 30(4) or 35(2) of this Act, a notice on the occupier of any premises so situate;

they shall, if not themselves the London County Council, consult that Council.

*Special Provisions with respect to Buildings whereof Parts are Office, &c,  
Premises and with respect to certain contiguous Fuel Storage Premises*

**42 Provisions with respect to buildings in single ownership**

(1) A building to which this section applies is one all parts of which are in the same ownership and a part of which consists of premises to which this Act applies, being premises held under a lease or an agreement for a lease or under a licence ; and in this section a reference to a common part of a building to which this section applies shall be taken to refer to a part of the building that is used for the purposes of, but is not comprised in, a part of the building that consists of premises to which this Act applies.

(2) The following provisions shall have effect for securing the cleanliness of common parts of buildings to which this section applies, that is to say:—

- (a) every common part of a building to which this section applies, and all furniture, furnishings and fittings in such a part, shall be kept in a clean state;
- (b) the Minister may by regulations made as respects common parts of buildings to which this section applies, or any class of such common parts, require such steps as may be prescribed to be taken for securing the cleanliness of the parts to which the regulations apply, but nothing in regulations under this paragraph

shall be construed as being in derogation of the general obligation imposed by the foregoing paragraph.

(3) The following provisions shall have effect for securing the illumination of common parts of buildings to which this section applies, that is to say:—

- (a) effective provision shall be made for securing and maintaining, in every such part of a common part of a building to which this section applies as the following, namely, a part in which persons are working or passing, suitable and sufficient lighting, whether natural or artificial;
- (b) the Minister may by regulations made as respects common parts of buildings to which this section applies, or any class of such common parts, prescribe a standard of lighting conformity to which shall be obligatory and a sufficient compliance with the foregoing paragraph;
- (c) all glazed windows and skylights used for the lighting of a part of a common part of a building to which this section applies in which the securing of lighting is required by this subsection to be provided for shall, so far as reasonably practicable, be kept clean on both the inner and outer surfaces and free from obstruction;
- (d) all apparatus installed in a common part of a building to which this section applies for producing artificial lighting in a part of that part in which the securing of lighting is required by this subsection to be provided for shall be properly maintained;

but paragraph (c) above shall not affect the whitewashing or shading of windows or skylights for the purpose of mitigating heat or glare.

(4) Section 16(1) of this Act shall apply to floors, stairs, steps, passages and gangways comprised in, or constituting, a common part of a building to which this section applies as it applies to floors, stairs, steps, passages and gangways in premises to which this Act applies, section 16(2) of this Act shall apply to a staircase comprised in, or constituting, a common part of such a building as it applies to such a staircase as is mentioned in that subsection, and section 16(3) of this Act shall apply to an open side of such a staircase as is first mentioned in this subsection as it applies to an open side of such a staircase as is mentioned in the said subsection (2).

(5) In the event of a contravention, in relation to a common part of a building to which this section applies, of subsection (2) or (3) of this section or of regulations under either of those subsections, and in the event of a contravention, in relation to any thing constituting, or comprised in, any such common part, of section 16 of this Act as applied by the last foregoing subsection, the owner of the building shall be guilty of an offence.

(6) For a contravention, in relation to premises comprised in a building to which this section applies, of section 9 of this Act (other than a contravention consisting in a failure to keep clean conveniences provided in pursuance of that section, not being conveniences provided for use jointly by the persons employed to work in the premises and by other persons), the owner of the building shall be responsible instead of the occupier of the premises.

(7) For a contravention, in relation to premises comprised in a building to which this section applies, of section 10 of this Act (other than a contravention consisting in a failure to provide means of cleaning or drying or a failure to keep clean and in orderly condition the place where facilities are provided in pursuance of that section, not being facilities provided for use jointly by the persons employed to work in the premises



and by other persons) the owner of the building shall be responsible instead of the occupier of the premises.

- (8) Section 22 of this Act (except so far as relating to operations or processes) shall, with the substitution, for references to the occupier of the premises, of references to the owner of the building, have effect in relation to a common part of a building to which this section applies, and to machinery, plant, equipment and appliances used in such a part, as it has effect in relation to premises to which this Act applies, and to machinery, plant, equipment and appliances used in such premises.
- (9) Where the occupier of premises comprised in a building in England or Wales to which this section applies is the defendant to a complaint made under section 22 of this Act with respect to the premises on the ground specified in subsection (1)(a) or (b) of that section, a copy of the summons issued in consequence of the making of the complaint together with a notice stating that he will be entitled to appear at the hearing of the complaint shall be served on the owner of the building in like manner as a summons falling to be served on him is required to be served and he shall, if he appears at the hearing, be deemed to be a defendant to the complaint; and the powers of the court under section 55(1) of the Magistrates' Courts Act 1952 shall be deemed to include power, whatever adjudication the court makes on the complaint, to order any of the parties to pay the whole or part of the costs of either or both of the others.
- (10) Where the occupier of premises comprised in a building in Scotland to which this section applies is a defender in a summary application made under section 22 of this Act in respect of the premises on the ground specified in subsection (1)(a) or (b) of that section, a copy of the application together with notice of the place, date and time fixed for the hearing of it shall be served on the owner of the building and he shall thereafter be a party to the proceedings.
- (11) In the application, to premises comprised in a building to which this section applies, of the provisions of this Act with respect to fire precautions, references to the premises shall be construed as including references to a part of the building that is used for the purposes of, but is not comprised in, the premises, and references to the owner of the building shall be substituted for references to the occupier of the premises.
- (12) A copy of any fire certificate issued with respect to any premises which, at the time of the issue of the certificate, are comprised in a building to which this section applies, shall be sent to the occupier of the premises by the authority who issued it and section 29(6) of this Act shall apply to the copy instead of to the certificate.
- (13) For a contravention, in relation to premises comprised in a building to which this section applies, of section 28 of this Act, for a contravention, in relation to such premises, of section 30(1) of this Act (other than a contravention consisting in a failure to keep means of escape free from obstruction, being a contravention caused by the use of the premises), and for a contravention, in relation to such premises, of section 33(3) of this Act or of regulations under section 35(1) thereof, the owner of the building shall be responsible instead of the occupier of the premises.
- (14) Section 34(1) of this Act shall, in its application to premises comprised in a building to which this section applies, have effect as if it required the warning referred to therein to be perceptible in every part of the building used for the purposes of, but not comprised in, the premises, in every other set of premises comprised in the building which are premises to which this Act applies, and in every part of the building used for the purposes of, but not comprised in, any other such set of premises as aforesaid; and for

a contravention, in relation to premises comprised in such a building, of that section, the owner of the building shall be responsible instead of the occupier of the premises.

- (15) If, on a complaint (or, in Scotland, a summary application) made by the owner of a building to which this section applies to an appropriate court, the court is satisfied that the occupier of any part of the building prevents the owner from making, to premises to which this Act applies which are comprised in the building, any alterations the making of which is requisite in order to permit of a fire certificate's being issued with respect to the premises or any alterations specified in a notice served on him under section 30 (4) or 35 (2) of this Act, or prevents the carrying out, in pursuance of, or of a requirement imposed under, section 34 (2) of this Act, of a test or examination of means of giving warning in case of fire, the court may order that occupier to permit the making of the alterations or, as the case may be, the carrying out of the test or examination.

In this subsection " appropriate court" means, as regards a building in England or Wales, a magistrates' court acting for the petty sessions area in which the building is situate and, as regards a building in Scotland, the sheriff within whose jurisdiction it is situate.

- (16) The occupier of any premises to which this Act applies which are comprised in a building to which this section applies shall furnish to the owner of the building any information in the possession of the occupier the possession of which by the owner is requisite to enable him to comply, in the case of the premises, with section 30(3) of this Act, and if the occupier fails so to do he shall be guilty of an offence.

#### **43 Provisions with respect to buildings plurally owned**

- (1) A building to which this section applies is one of which different parts are owned by different persons and of which a part consists of premises to which this Act applies; and in this section a reference to a common part of a building to which this section applies shall be taken to refer to a part of the building that is used for the purposes of, but is not comprised in, a part of the building that consists of premises to which this Act applies.
- (2) Subsections (2) and (3) of the last foregoing section shall, with the substitution, for references to buildings to which that section applies and to common parts thereof, of references respectively to buildings to which this section applies and to common parts thereof, have effect for securing the cleanliness and illumination of common parts of buildings to which this section applies as they have effect for securing the cleanliness and illumination of common parts of buildings to which that section applies ; and in the event of a contravention, in relation to a common part of a building to which this section applies, of either of those subsections or of regulations under either of them, the owner of the part (or, if there are more owners than one of the part, each of them) shall be guilty of an offence.
- (3) Section 16(1) of this Act shall apply to floors, stairs, steps, passages and gangways comprised in, or constituting, a common part of a building to which this section applies as it applies to floors, stairs, steps, passages and gangways in premises to which this Act applies, section 16(2) of this Act shall apply to a staircase comprised in, or constituting, a common part of such a building as it applies to such a staircase as is mentioned in that subsection, and section 16(3) of this Act shall apply to an open side of such a staircase as is first-mentioned in this subsection as it applies to an open side of such a staircase as is mentioned in the said subsection (2); and in the event of a contravention, in relation to any thing constituting, or comprised in, any such common

part, of section 16 of this Act as applied by this subsection, the owner of the part (or if there are more owners than one of the part, each of them) shall be guilty of an offence.

- (4) For a contravention, in relation to premises consisting of part of any such part of a building to which this section applies as is owned by one of the persons who between them own the building (being premises held under a lease or an agreement for a lease or under a licence), of section 9 of this Act (other than a contravention consisting in a failure to keep clean conveniences provided in pursuance of that section, not being conveniences provided for use jointly by the persons employed to work in the premises and by other persons), the first-mentioned person shall be responsible instead of the occupier of the premises.
- (5) For a contravention, in relation to premises consisting of part of any such part of a building to which this section applies as is owned by one of the persons who between them own the building (being premises held under a lease or an agreement for a lease or under a licence), of section 10 of this Act (other than a contravention consisting in a failure to provide means of cleaning or drying or a failure to keep clean and in orderly condition the place where facilities are provided in pursuance of that section, not being facilities provided for use jointly by the persons employed to work in the premises and by other persons) the first-mentioned person shall be responsible instead of the occupier of the premises.
- (6) Section 22 of this Act (except so far as relating to operations or processes) shall, with the substitution, for references to the occupier of the premises, of references to the persons who between them own the building, have effect in relation to a common part of a building to which this section applies, and to machinery, plant, equipment and appliances used in such a part, as it has effect in relation to premises to which this Act applies, and to machinery, plant, equipment and appliances used in such premises.
- (7) Where the occupier of premises comprised in a building in England or Wales to which this section applies is the defendant to a complaint made under section 22 of this Act with respect to the premises on the ground specified in subsection (1)(a) or (b) of that section, a copy of the summons issued in consequence of the making of the complaint together with a notice stating that he will be entitled to appear at the hearing of the complaint shall be served on each of the persons who between them own the building in like manner as a summons falling to be served on him is required to be served and he shall, if he appears at the hearing, be deemed to be a defendant to the complaint; and the powers of the court under section 55(1) of the Magistrates' Courts Act 1952 shall be deemed to include power, whatever adjudication the court makes on the complaint, to order any of the parties to pay the whole or part of the costs of all or any of the others.
- (8) Where the occupier of premises comprised in a building in Scotland to which this section applies is a defender in a summary application made under section 22 of this Act in respect of the premises on the ground specified in subsection (1)(a) or (b) of that section, a copy of the application together with notice of the place, date and time fixed for the hearing of it shall be served on each of the persons who between them own the building and they shall thereafter be parties to the proceedings.
- (9) In the application, to premises comprised in a building to which this section applies, of the provisions of this Act with respect to fire precautions—
  - (a) references to the premises shall be construed as including references to any part of the building used for the purposes of, but not comprised in, the premises ;

- (b) for references to the occupier of the premises (except the reference in section 29(5)) there shall be substituted references to the persons who between them own the building; and
  - (c) for the reference in the said section 29(5) to the occupier of the premises there shall be substituted a reference to the person who owns the part of the building of which the premises consist.
- (10) A copy of any fire certificate issued with respect to any premises which, at the time of the issue of the certificate, are comprised in a building to which this section applies, shall be sent to the occupier of the premises by the authority who issued it, and section 29(6) of this Act shall apply to the copy instead of to the certificate.
- (11) For a contravention, in relation to premises comprised in a building to which this section applies, of section 28 of this Act, for a contravention, in relation to such premises, of section 30(1) of this Act (other than a contravention consisting in a failure to keep means of escape free from obstruction, being a failure caused by the use of the premises), and for a contravention, in relation to such premises, of section 33(3) of this Act or of regulations under section 35(1) thereof, each of the persons who between them own the building shall be responsible instead of the occupier of the premises.
- (12) Section 34(1) of this Act shall, in its application to premises comprised in a building to which this section applies, have effect as if it required the warning referred to therein to be perceptible in every part of the building used for the purposes of, but not comprised in, the premises, in every other set of premises comprised in the building which are premises to which this Act applies, and in every part of the building used for the purposes of, but not comprised in, any other such set of premises as aforesaid; and for a contravention, in relation to premises comprised in such a building, of that section, each of the persons who between them own the building shall be responsible instead of the occupier of the premises.
- (13) If, on a complaint (or, in Scotland, a summary application) made to an appropriate court by one of the persons who, between them, own a building to which this section applies, the court is satisfied that another of those persons or any other person having an estate or interest in the building prevents the making, to premises to which this Act applies which are comprised in the building, of any alterations the making of which is requisite in order to permit of a fire certificate's being issued with respect to the premises or of any alterations specified in a notice served on those persons under section 30(4) or 35(2) of this Act, or prevents the carrying out in pursuance of, or of a requirement imposed under, section 34(2) of this Act, of a test or examination of means of giving warning in case of fire, the court may order that other person to permit the making of the alterations or, as the case may be, the carrying out of the test or examination.

In this subsection " appropriate court " means, as regards a building in England or Wales, a magistrates' court acting for the petty sessions area in which the building is situate and, as regards a building in Scotland, the sheriff within whose jurisdiction it is situate.

- (14) The occupier of any premises to which this Act applies which are comprised in a building to which this section applies shall furnish to each of the persons who between them own the building any information in the possession of the occupier the possession of which by the persons aforesaid is requisite to enable them to comply, in the case of the premises, with section 30(3) of this Act, and if the occupier fails so to do he shall be guilty of an offence.

#### **44 Provisions with respect to contiguous fuel storage premises in single ownership**

Where two sets or more of fuel storage premises any of which is held under a lease or an agreement for a lease or under a licence are established on a parcel of land all parts of which are in the same ownership, then—

- (a) for a contravention, in relation to any of those sets of premises, of section 9 of this Act (other than a contravention consisting in a failure to keep clean conveniences provided in pursuance of that section, not being conveniences provided for use jointly by the persons employed to work in that set of premises and by other persons); and
- (b) for a contravention, in relation to any of those sets of premises, of section 10 of this Act (other than a contravention consisting in a failure to provide means of cleaning and drying or a failure to keep clean and in orderly condition the place where facilities are provided in pursuance of that section, not being facilities provided for use jointly by the persons employed to work in that set of premises and by other persons);

the owner of that set of premises shall be responsible instead of the occupier thereof.

#### *Exemptions*

#### **45 Power of the Minister to grant exemptions from certain requirements of Act**

- (1) The Minister may by order exempt—
  - (a) from all or any of the requirements imposed by sections 5(2) and 6 of this Act, premises of any class or rooms of any class;
  - (b) from all or any of the requirements imposed by sections 9 and 10 of this Act, premises of any class;in cases where, in his opinion, it would, by reason of special circumstances, be unreasonable to require compliance with the requirements or requirement from which exemption is granted.
- (2) An exemption under this section may be granted unconditionally or subject to conditions and without limit of time or for a specified period.
- (3) The grant of an exemption under this section for a specified period shall not preclude the grant of the like exemption for further periods by further orders.
- (4) The Minister shall not make an order under this section except after consultation with an organisation which appears to him to be representative of workers concerned and an organisation which appears to him to be representative of employers concerned and an organisation which appears to him to be representative of any other persons who appear to him to be concerned.
- (5) In this section " organisation " includes—
  - (a) in relation to workers, an association of trade unions; and
  - (b) in relation to employers, an association of organisations of employers and also any body established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking;and " trade union " includes an association of trade unions.

#### **46 Power of authorities who enforce Act to grant exemptions from certain requirements thereof**

- (1) The authority having power to enforce, with respect to any premises, the following provisions of this Act, namely, section 5(2) and sections 6 and 9, may—
- (a) exempt the premises or any room therein from all or any of the requirements imposed by the said sections 5(2) and 6;
  - (b) exempt the premises from all or any of the requirements imposed by the said section 9;

if satisfied that, in the circumstances affecting the subject of the exemption, compliance with the requirements or requirement from which exemption is granted is not reasonably practicable.

- (2) The authority having power to enforce section 10(1) of this Act with respect to any premises may, if satisfied that it is not reasonably practicable for running water to be supplied there or for running water so supplied to be heated, exempt the premises from so much of that subsection as requires the water supplied to be running water.
- (3) An exemption under subsection (1) of this section of, or of a room in, any premises from a requirement of a provision of this Act may be granted for a period not exceeding two years, but may from time to time be extended for a further such period beyond the expiration of the period at the expiration of which it would otherwise expire if the authority having power to enforce that provision with respect to the premises are satisfied as mentioned in subsection (1) of this section and are further satisfied that the person who, if the exemption were not in force, would be responsible for a contravention in relation to the premises of that provision (being a contravention consisting in a failure to comply with that requirement) has not failed to do anything the doing of which might have rendered compliance with that requirement reasonably practicable.
- (4) An exemption under subsection (2) of this section may be granted without limit of time or for a specified period; but the grant of such an exemption for a specified period shall not preclude the grant of the like exemption for further periods.
- (5) An exemption of, or of a room in, any premises from a requirement imposed by a provision of this Act shall not be granted or extended under this section—
- (a) except upon application made to the appropriate authority, in such form as may be prescribed by order made by the Minister.—
    - (i) in a case where the grant of an exemption is sought, by the person who would be responsible for a contravention in relation to the premises of that provision (being a contravention consisting in a failure to comply with that requirement);
    - (ii) in a case where the extension of an exemption is sought, by the person who, if the exemption were not in force, would be responsible as aforesaid;
  - (b) unless the application is accompanied by a certificate in such form as may be so prescribed, that the obligation to which the applicant is subject by virtue of subsection (6)(a) below has been complied with; and
  - (c) until the expiration of the period of fourteen days beginning with the day next following that on which the application is made.

- (6) In relation to an application for the grant or extension of an exemption under this section of, or of a room in, any premises, compliance by the applicant with the following requirements shall be requisite, namely.—
- (a) he must, immediately before the application is made, post in the premises, in such a position, and in such characters, as to be easily seen and read by the persons employed to work in the premises, a notice—
    - (i) stating that such an application is being made ;
    - (ii) specifying the requirement from which exemption or, as the case may be, further exemption, is being sought;
    - (iii) specifying the period for which the grant or, as the case may be, the extension, is being sought (or if, where a grant of exemption is being sought under subsection (2) of this section, it be the case that the grant thereof without limit of time is being sought, specifying that fact);
    - (iv) specifying the name and address of the authority to whom the application is being made and notifying the persons aforesaid that written representations with respect to the application may be made by any of them to that authority before the expiration of the period of fourteen days beginning with the day next following that on which the notice is posted in compliance with this paragraph ;
  - (b) he must keep the said notice posted as aforesaid throughout the last-mentioned period ;
- and a person making an application under this section who fails to comply with an obligation to which he is, in relation to the application, subject by virtue of this subsection shall be guilty of an offence and liable to a fine not exceeding twenty pounds.
- (7) An exemption under this section of, or of a room in, any premises from a requirement imposed by a provision of this Act may, if the authority having power to enforce that provision with respect to the premises cease to be satisfied with respect to the matters with respect to which they were satisfied when the exemption was granted or, if the exemption has been extended under subsection (3) of this section, when it was extended, be withdrawn by that authority provided that three months' notice of intention to withdraw it has been given to the person who, if the exemption were not in force, would be responsible for a contravention in relation to the premises of that provision (being a contravention consisting in a failure to comply with that requirement).
- (8) Where an exemption of, or of a room in, any premises from a requirement imposed by a provision of this Act or an extension of such an exemption is granted under this section by an authority, a certificate of the grant or extension shall be sent by the authority to the person who, if the exemption were not in force, would be responsible for a contravention in relation to the premises of that provision (being a contravention consisting in a failure to comply with that requirement).
- (9) a certificate such as is mentioned in the last foregoing subsection shall, so long as the exemption whose grant or extension is certified thereby continues in force, be kept posted in the premises to which the exemption relates in such a position as to be easily seen and read by the persons employed to work in the premises.
- (10) Notice of the refusal by an authority to grant or extend an exemption under this section shall be given by them to the applicant for the grant or extension and also (if it be the case that representations with respect to the application were duly made by the persons

employed to work in the premises to which the application related or any of those persons), either individually to such of those persons as duly made representations or to a person appearing to the authority to be representative of such of those persons as duly made representations or to each of a number of persons who appear to the authority to be representative between them of such of those persons as duly made representations.

(11) person who is aggrieved—

- (a) by the refusal of an authority to grant or extend an exemption under this section of, or of a room in, any premises; or
- (b) by a notice of intention to withdraw such an exemption ;

may, within twenty-one days of the refusal or, as the case may be, service of the notice, appeal, if the premises are situate in England or Wales, to a magistrates' court acting for the petty sessions area in which they are situate, or, if they are situate in Scotland, to the sheriff within whose jurisdiction they are situate, and on any such appeal—

- (i) in a case falling within paragraph (a) above, the court or sheriff, if satisfied with respect to the matters with respect to which the authority would have to have been satisfied as a condition of their granting or extending the exemption, may order the authority to grant or extend it, in the case of an exemption under subsection (1) of this section, for such period not exceeding two years as may be specified in the order, and, in the case of an exemption under subsection (2) of this section, either without limit of time or for such period as may be so specified ;
- (ii) in a case falling within paragraph (b) above, the court or sheriff, if satisfied with respect to the matters with respect to which the authority were satisfied when the exemption was granted or, if it has been extended, when it was extended, may order the authority to cancel the notice of intention to withdraw the exemption.

(12) An application for the grant under this section of an exemption of, or of a room in, any premises from a requirement imposed by section 5(2), 6, 9 or 10(1) of this Act may be made, and such an exemption may be granted, despite the fact that the provision imposing the requirement is not in force in relation to the premises, but such an application shall not be entertained unless an order has been made under the following provisions of this Act appointing either in relation to all premises to which this Act applies or in relation to premises of a class within which fall the premises in question, a day for the coming into operation of that provision ; and for the purposes of the application of the foregoing provisions of this section to an application made by virtue of this subsection—

- (a) references to the authority having power to enforce with respect to the premises the provision imposing the requirement from which exemption is sought shall be construed as referring to the authority who would have power so to enforce that provision if it were in force; and
- (b) the reference in subsection (5)(a)(i) to the person who would be responsible for such a contravention in relation to the premises of that provision as is therein mentioned shall be construed as referring to the person who, if that provision were in force, would be responsible for such a contravention as is so mentioned and the reference in subsection (8) to the person who, if the exemption were not in force, would be responsible as aforesaid shall, if the exemption is granted and the provision in question is not in force at the time of the grant, be similarly construed.



- (13) In relation to an application made under this section with respect to, or to a room in, premises which form part of a building to which section 42 or 43 of this Act applies, subsection (6) above shall have effect with the substitution, for the words in paragraph (a) " post in the premises " , of the words " post in the premises or in a part of the building which for the purposes of the said section 42 or the said section 43 (as the case may be) is referred to as a common part of the building " .
- (14) For the purposes of subsection (5) of this section, " appropriate authority " , in relation to an application for the grant or extension of an exemption of, or of a room in, any premises from a requirement imposed by section 5(2), 6, 9 or 10(1) of this Act.—
- (a) where the authority who, by virtue of section 52 of this Act, have power to enforce with respect to the premises the provision imposing the requirement (or, where the application is made by virtue of subsection (12) above, the authority who, by virtue of that section, would have power so to enforce that provision if it were in force) is other than a factory inspector, a mine and quarry inspector or a person authorised under subsection (3) or (6) of the said section 52, means that authority;
  - (b) where the authority who, by virtue of the said section 52, have power to enforce with respect to the premises the provision imposing the requirement (or, where the application is made as aforesaid, the authority who, by virtue of that section, would have power so to enforce that provision if it were in force) is a factory inspector or a person authorised under section 52(3) of this Act, means the factory inspector in charge of the district in which the premises are situate;
  - (c) where the authority who, by virtue of the said section 52, have power to enforce with respect to the premises the provision imposing the requirement (or, where the application is made as aforesaid, the authority who, by virtue of that section, would have power so to enforce that provision if it were in force) is a mine and quarry inspector or a person authorised under section 52(6) of this Act, means the mine and quarry inspector in charge of the district in which the premises are situate.

*Prohibition of Levying of Charges on Employees for Things done in Compliance with Act*

**47 Prohibition of levying of charges on employees for things done in compliance with Act**

If the owner or the occupier of premises to which this Act applies or a person who employs persons to work therein levies, or suffers to be levied, upon a person so employed, any charge in respect of anything done or provided in pursuance of this Act or regulations thereunder, he shall be guilty of an offence.

*Notification of Accidents*

**48 Notification of accidents**

- (1) Where an accident in any premises to which this Act applies—
- (a) causes loss of life to a person employed to work in the premises; or
  - (b) disables any such person for more than three days from doing his usual work ;

notice of the accident, in such form as may be prescribed by order made by the Minister and accompanied by such particulars as may be so prescribed, shall forthwith be sent by the occupier of the premises to the appropriate authority unless notice of the accident is required to be given under or by virtue of any other enactment.

- (2) Where an accident causing disablement is notified under this section, and after notification thereof results in the death of the person disabled, notice of the death shall, as soon as it comes to the knowledge of the occupier of the premises in which the accident occurred, be sent by him to the appropriate authority.
- (3) Where an accident to which this section applies occurs to a person employed to work in any premises to which this Act applies and the occupier of the premises is not the actual employer of the person killed or disabled, the actual employer shall, if he fails to report the accident to the occupier immediately, be guilty of an offence and liable to a fine not exceeding ten pounds.
- (4) The Minister may by regulations made as respects premises to which this Act applies, or any class of such premises, give either or both of the following directions, namely.—
  - (a) a direction that, as respects accidents of such class as may be specified in the regulations, subsection (1) of this section shall have effect as if paragraph (b) had been omitted;
  - (b) a direction that, as respects accidents of such class as may be so specified, that subsection shall have effect as if, in the said paragraph (b), for the reference to three days there had been substituted a reference to such other period (whether longer or shorter) as may be so specified.
- (5) In this section " appropriate authority ", in relation to any premises.—
  - (a) where the authority having, by virtue of section 52 of this Act, power to enforce sections 4 to 27 of this Act with respect to the premises is other than a factory inspector, a mine and quarry inspector or a person authorised under subsection (3) or (6) of that section, means that authority;
  - (b) where the authority having, by virtue of the said section 52, power to enforce sections 4 to 27 of this Act with respect to the premises is a factory inspector or a person authorised under section 52(3) of this Act, means the factory inspector in charge of the district in which the premises are situate;
  - (c) where the authority having, by virtue of the said section 52, power to enforce sections 4 to 27 of this Act with respect to the premises is a mine and quarry inspector or a person authorised under section 52(6) of this Act, means the mine and quarry inspector in charge of the district in which the premises are situate.

### *Information*

#### **49 Notification of fact of employment of persons**

- (1) Before a person first begins, after the coming into operation of this subsection with respect to any office, shop or railway premises, to employ persons to work therein, he shall serve on the appropriate authority two copies of a notice stating that persons will be employed by him so to work and containing such other (if any) information as may be prescribed by order of the Minister, being a notice in such form and of such size as may be so prescribed.

- (2) Where, at the date of coming into force of this section with respect to any office, shop or railway premises, a person is employing persons to work therein he shall, before the expiration of such period beginning with that date as may be prescribed by order made by the Minister, serve on the appropriate authority two copies of a notice stating that fact and containing such other (if any) information as may be so prescribed, being a notice in such form and of such size as may be so prescribed.
- (3) A person who fails to comply with an obligation to which he is subject by virtue of either of the foregoing subsections shall be guilty of an offence and liable to a fine not exceeding twenty pounds.
- (4) Proceedings for an offence under this section may be commenced at any time within twelve months from the time when the offence was committed.
- (5) In this section " appropriate authority" has the same meaning as in the last foregoing section.

## **50 Information for employees**

- (1) The Minister may by regulations require the taking of such steps as may be prescribed by the regulations for the purpose of securing that persons employed to work in premises to which this Act applies, or in any class of such premises as may be specified in the regulations, are informed of the effect of this Act and the regulations thereunder or, as the case may be, of the effect of so much of this Act and the regulations thereunder as has effect in relation to premises of that class.
- (2) Without prejudice to the generality of the foregoing subsection, the steps that may be required by virtue thereof to be taken may include the posting in premises of such abstracts of, or of parts of, this Act and the regulations thereunder as may be prescribed by the regulations and the giving to persons employed to work in premises of books or leaflets explanatory of, or of parts of, this Act and the regulations thereunder, being books or leaflets prepared under the auspices of the Minister.
- (3) Different provision may be made by regulations under this section in relation to premises of different classes.
- (4) A person who contravenes a provision of regulations under this section shall be guilty of an offence.

### *Power to adapt Act in relation to covered Markets*

## **51 Power to adapt Act in relation to covered markets**

- (1) The Minister may by special regulations direct, in the case of premises consisting of a covered market place wherein shop premises are aggregated,—
  - (a) that such of the foregoing provisions of this Act as may be specified in the regulations shall not apply to the premises aggregated in the market place ;
  - (b) that such of the said provisions as may be so specified shall in their application to the premises so aggregated have effect subject to such modifications as may be so specified;
  - (c) that such of the said provisions as may be so specified shall not apply to the premises so aggregated but shall (subject to such, if any, modifications as may be so specified) apply to the market place and that, in the event of a

contravention of a provision applied by virtue of this paragraph, such person as may be so specified shall be guilty of an offence.

- (2) In this section the expression "covered market place " shall be construed generally and not as limited to a place where a market is held by virtue of a grant from the Crown or of prescription or under statutory authority.

### *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.
- (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.

### *Offences, Penalties and legal Proceedings*

## **63 Offences**

- (1) In the event of a contravention, in relation to any premises to which this Act applies, of any such provisions of this Act as are mentioned in subsection (2) of this section or of regulations made under any such provisions, then—
  - (a) except in a case falling within either of the two following paragraphs, the occupier of the premises shall be guilty of an offence ;

- (b) in a case where the contravention is one for which, by or by virtue of this Act, some other person or persons is or are made responsible as well as the occupier of the premises, that other person or those other persons and the occupier shall each be guilty of an offence;
  - (c) in a case where the contravention is one for which, by or by virtue of this Act, some other person or persons is or are made responsible instead of the occupier of the premises, that other person or each of those other persons shall be guilty of an offence.
- (2) The provisions of this Act referred to in the foregoing subsection are sections 4, 5, 6(1) to (5), 7 to 12, 13(1), 14 to 19, 23, 24, 28, 29(6), 30(1), 33 to 38, 46(9) and 48(1) and (2).

#### **64 Penalty for offences for which no express penalty is provided**

- (1) A person guilty of an offence under this Act for which no express penalty is provided shall be liable to a fine not exceeding sixty pounds and, if the contravention constituting the offence of which he is guilty is continued after his conviction of the offence, he shall be guilty of a further offence and liable, in respect thereof, to a fine not exceeding fifteen pounds for each day on which the contravention is so continued.
- (2) The foregoing subsection shall, in a case where the court by which a person is convicted of any such offence as aforesaid is satisfied that the contravention constituting the offence was likely to cause the death of, or serious bodily injury to, any person, have effect as if, for the reference to sixty pounds, there were substituted a reference to three hundred pounds.

#### **65 Offences by bodies corporate**

- (1) Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (2) In the foregoing subsection, the expression "director", in relation to any body corporate which is established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking and whose affairs are managed by the members thereof, means a member of that body.

#### **66 Penalty on persons actually committing offences for which others are liable**

Where a contravention of a provision of this Act or of regulations thereunder for which a person is, by virtue of the foregoing provisions of this Act, liable on conviction to a penalty was due to an act or default of another person, then, whether proceedings are or are not taken against the first-mentioned person, that other person may be charged with, and convicted of, the offence constituted by the contravention and shall, on conviction, be liable to the same punishment as that to which the first-mentioned person is, on conviction, liable.

**67 Defence available to persons charged with offences**

It shall be a defence for a person charged with a contravention of a provision of this Act or of regulations thereunder to prove that he used all due diligence to secure compliance with that provision.

**68 Falsification of documents, false statements, &c**

(1) If a person—

(a) with intent to deceive, forges—

(i) a fire certificate or a certificate such as is mentioned in section 46(8) of this Act; or

(ii) an instrument issued under regulations under this Act whereby exemption is granted from any provision of the regulations;

or makes or has in his possession a document so closely resembling any such certificate or instrument as aforesaid as to be calculated to deceive; or

(b) for the purpose of procuring the issue of a fire certificate or the grant or extension of an exemption under section 46 of this Act or the issue under regulations under this Act of an instrument whereby exemption is granted from any provision of the regulations, makes a statement which he knows to be false in a material particular or recklessly makes a statement which is so false, or produces, furnishes, sends or otherwise makes use of a document which he knows to be so false or recklessly produces, furnishes, sends or otherwise makes use of a document which is so false; or

(c) wilfully makes a false entry in any register, book, notice or other document required by or by virtue of this Act to be kept, served or given ;

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.

(2) If a person falsely pretends to be an inspector appointed under section 52(1), (2) or (5) of this Act, a person authorised under subsection (3) of that section by the Minister, a person authorised under subsection (6) of that section by the Minister of Power or an officer appointed under section 57 of this Act by the Minister, he shall be guilty of an offence and liable to a fine not exceeding ten pounds.

(3) In this section, the expression " forges " has, in the application thereof to England and Wales, the same meaning as in the Forgery Act 1913.

**69 Removal or defacement of documents posted in pursuance of Act or regulations under it**

If, without reasonable excuse, a person removes, injures or defaces a notice or other document which is for the time being posted or displayed in any premises in pursuance of a provision of this Act or of regulations thereunder, he shall be guilty of an offence and liable to a fine not exceeding ten pounds.

**70 Prosecution of offences**

(1) , All offences under this Act shall be triable summarily.

- (2) A magistrates' court or sheriff shall, in any proceedings for an offence under this Act, if required by either party, cause a note of the evidence to be taken and preserved.
- (3) A factory inspector, if authorised in that behalf by the Minister, may, although not of counsel or a solicitor, prosecute or conduct before a magistrates' court or before a sheriff proceedings for an offence under this Act.
- (4) Notwithstanding any rule of law in Scotland, it shall not be an objection to the competence of a factory inspector to give evidence as a witness in any prosecution for an offence under this Act that the prosecution is brought at his instance or conducted by him.

**71 Local authorities' inspectors in Scotland to have power to institute proceedings in certain cases**

- (1) An inspector appointed under this Act by a local authority may, if duly authorised in that behalf by a general resolution of the authority, make a summary application under section 22 of this Act with respect to any premises with respect to which the authority have power to enforce any of the provisions of sections 4 to 21 of this Act; and for the purposes of this subsection the expression " premises " includes a common part of a building to which section 42 or section 43 of this Act applies.
- (2) An inspector appointed under this Act by the authority discharging in any area the functions of fire authority under the Fire Services Act 1947 may, if duly authorised as aforesaid by the authority, make a summary application under section 32 of this Act with respect to any premises in that area with respect to which they are the appropriate authority for the purposes of that section.

**72 Appeal from orders made on complaint**

A person aggrieved by an order made by a magistrates' court on determining a complaint under this Act may appeal therefrom to a court of quarter sessions.

**73 Power of county court and sheriff to modify agreements and apportion expenses**

- (1) A person who, by reason of the terms of an agreement or lease relating to any premises, is prevented from therein carrying out or doing any structural or other alterations or other thing whose carrying out or doing is requisite in order to secure compliance with a provision of this Act or of regulations thereunder which is, or will become, applicable to the premises, in order to comply with a requirement imposed by a notice served under section 30(4) or 35(2) of this Act or in order to enable effect to be given to proposals without contravention of a prohibition imposed by a notice served under the said section 30(4), may apply to the county court within whose jurisdiction the premises are situate, and the court may make such an order setting aside or modifying any terms of the agreement or lease as the court considers just and equitable in the circumstances of the case.
- (2) Where the carrying out or doing in any premises of any structural or other alterations or other thing whose carrying out or doing is requisite as mentioned in the foregoing subsection involves a person having an interest in the premises in expense or in increased expense, and he alleges that the whole or part of the expense or, as the case may be, the increase ought to be borne by some other person having an interest in the premises, the first-mentioned person may apply to the county court within whose

jurisdiction the premises are situate, and the court, having regard to the terms of any agreement or lease relating to the premises, may by order give such directions with respect to the persons by whom the expense or increase is to be borne, and in what proportions it is to be borne by them and, if need be, for modification of the terms of any such agreement or lease so far as concerns rent payable in respect of the premises as the court considers just and equitable in the circumstances of the case.

- (3) In the application of this section to Scotland, for references to a county court there shall be substituted references to the sheriff.

#### *Amendments of other Acts*

#### **74 Amendment of sections 123(1) and 124(1) of Factories Act 1961, and provisions consequential thereon**

- (1) For the purposes of section 123(1) (application of Act to electrical stations) of the Factories Act 1961, office premises to which this Act applies which are comprised in premises to which that subsection applies shall, notwithstanding that they are so comprised, be deemed not to form part of the premises.
- (2) The Minister may by special regulations provide that premises which, but for the operation of the foregoing subsection, would, for the purposes of the said section 123(1), form part of premises to which the said section 123(1) applies, or any class of premises such as are first-mentioned in this subsection.—
- (a) shall be excepted from the operation of section 24 of this Act; and
- (b) shall, notwithstanding the foregoing subsection, be deemed for the purposes of section 61 (first aid) of the said Act of 1961 to form part of the premises of which, but for that subsection, they would, for the purposes of the said section 123(1), form part.
- (3) Regulations under this section may provide that, for the purposes of the application to premises to which the said section 123(1) applies of subsection (4) of the said section 61, persons employed to work in premises which, by virtue of the regulations, are deemed for the purposes of the said section 61 to form part of the first-mentioned premises shall (according as may be specified in the regulations) be left out of account or be taken into account to a number (ascertained in accordance with the regulations) less than the full number thereof.
- (4) The foregoing provisions of this section shall, with the substitution, for references to the said section 123(1), of references to section 124(1) (institutions) of the Factories Act 1961, have effect with respect to office premises to which this Act applies which are comprised in premises to which the said section 124(1) applies, as they have effect with respect to office premises to which this Act applies which are comprised in premises to which the said section 123(1) applies.

#### **75 Amendment of section 125(1) of Factories Act 1961, and provisions consequential thereon**

- (1) For the purposes of section 125(1) (docks, etc.) of the Factories Act 1961, office premises to which this Act applies which are comprised in premises to which that subsection applies shall, notwithstanding that they are so comprised, be deemed not to form part of the premises.

- (2) The Minister may by special regulations provide that premises which, but for the operation of the foregoing subsection, would, for the purposes of the said section 125(1), form part of premises to which the said section 125(1) applies, or any class of premises such as are first-mentioned in this subsection.—
- (a) shall be excepted from the operation of section 24 of this Act; and
  - (b) shall, notwithstanding the foregoing subsection, be deemed for the purposes of any regulation as to first aid made by virtue of section 125(2) of the said Act which is applicable to the premises of which, but for the foregoing subsection, they would, for the purposes of the said section 125(1), form part, to form part of those premises.
- (3) The reference in the said section 125(1) to a warehouse in or for the purposes of which mechanical power is used, being a warehouse neither forming part of a factory nor belonging to the owners, trustees or conservators of a dock, wharf or quay, shall be construed as not including a building occupied by a wholesale dealer or merchant where goods are kept for sale wholesale or a part of a building so occupied where goods are so kept.

#### **76 Amendment of Public Health Act 1936**

- (1) Where plans of a building or of an extension of a building are, in accordance with building byelaws or building regulations, deposited with a local authority, and the building or, as the case may be, the building as extended will be a building to which section 59 (exits, entrances, &c, in the case of certain public, and other, buildings) of the Public Health Act 1936 applies and, in the authority's opinion, will be likely to be the subject of an application under section 29 of this Act, the authority (if not themselves the authority discharging, in the area in which the building or the building as extended is or will be situate, the functions of fire authority under the Fire Services Act 1947) shall, before passing or rejecting the plans, seek consultation thereon with the authority discharging, in that area, those functions.
- (2) Neither subsections (2) to (4) of section 59 of the said Act of 1936 nor section 60 (means of escape from fire in the case of certain high buildings) thereof nor any provision of a local Act which has effect in place of the said section 60 shall apply to premises with respect to which a fire certificate is for the time being in force.
- (3) Section 92(1)(e) of the said Act of 1936 (which includes, amongst the statutory nuisances that may be dealt with summarily under Part III of that Act, ill-ventilated, dirty, overcrowded or malodorous workplaces) shall not apply to premises to which this Act applies.

#### **77 Exclusion of application of sections 128 and 129 of Public Health (London) Act 1936**

Sections 128 (nuisances from factories, workshops and work places) and 129 (limewashing and washing of factories, workshops and workplaces) of the Public Health (London) Act 1936 shall not apply to premises to which this Act applies.

#### **78 Provision for securing exercise of local Act powers in conformity with this Act**

A person required by or under a local Act to effect any alterations to, or to any apparatus or fittings in, a building shall not be treated as having acted in contravention

of that enactment by reason of his failure to effect those alterations in so far as the failure is attributable to the fact that remedying it would involve a contravention of this Act or regulations thereunder.

### *General Provisions*

#### **79 Minister to report to Parliament**

The Minister shall annually lay before Parliament a report of his proceedings under this Act and generally about the operation of this Act.

#### **80 Regulations and orders**

- (1) Any regulations or orders made under this Act by the Minister (other than orders made under section 62 of this Act) shall be made by statutory instrument.
- (2) A statutory instrument containing regulations under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Any power conferred by this Act to make regulations and any power conferred by or by virtue of this Act to make an order (except the power conferred by section 62 of this Act) shall respectively include power to make different provision in relation to different circumstances.
- (4) Any power conferred by this Act to prescribe standards or impose requirements shall include power to do so by reference to the approval of the Minister.
- (5) Regulations under this Act may grant or provide for the granting of exemptions from any of the provisions of the regulations, either unconditionally or subject to conditions.
- (6) Regulations under this Act may empower the Minister by order to prescribe any particulars required to be furnished to any person in pursuance of the regulations and any form to be used for any purpose of the regulations; and the Statutory Instruments Act 1946 shall apply to an order made by virtue of this subsection as it applies to an order made under this Act.
- (7) Any power conferred by or by virtue of this Act to make an order shall include power to vary or revoke the order by a subsequent order.
- (8) The provisions of Schedule 1 to this Act shall have effect with respect to regulations referred to in this Act as special regulations.

#### **81 Mode of service of notices under this Act**

- (1) A notice required or authorised by or by virtue of this Act to be served on or given to a factory inspector or a mine and quarry inspector may be served or given by delivering it to him or by leaving it at, or sending it by post to, his office.
- (2) Any such notice required or authorised to be served on or given to a person other than a factory inspector or a mine and quarry inspector may be served or given by delivering it to him, or by leaving it at his proper address, or by post.
- (3) Any such notice required or authorised to be served on or given to a corporation or firm shall be duly served or given if it is served on or given to, as the case may be, the secretary or clerk of the corporation or a partner of the firm.



- (4) For the purposes of this section and of section 26 of the Interpretation Act 1889 in its application to this section the proper address of a person on or to whom any such notice as aforesaid is to be served or given shall, in the case of the secretary or clerk of a corporation, be that of the registered or principal office of the corporation, in the case of a partner of a firm, be that of the principal office of the firm, and, in any other case, be the last known address of the person to be served:

Provided that, where the person on or to whom the notice is to be served or given has, in accordance with arrangements agreed, furnished an address for the service or giving of the notice, being an address in the United Kingdom, his proper address for the purposes aforesaid shall be the address furnished.

- (5) If the name or the address of any owner or occupier of land on or to whom any such notice as aforesaid is to be served or given cannot after reasonable inquiry be ascertained by the authority or person seeking to serve or give the notice. the notice may be served or given by addressing it to the person on or to whom it is to be served or given by the description of " owner " or " occupier " of the land (describing it) to which the notice relates, and by delivering it to some responsible person resident or appearing to be resident on the premises, or, if there is no such person to whom it can be delivered, by affixing it or a copy of it to some conspicuous part of the premises.
- (6) The foregoing provisions of this section shall apply to the sending of a document as they apply to the giving of a notice.

## **82 Expenses and receipts**

- (1) There shall be defrayed out of moneys provided by Parliament—
- (a) any expenses incurred by the Minister in carrying this Act into effect;
  - (b) any increase attributable to this Act in the expenses of the Minister of Power which, by virtue of section 3(3) of the Ministry of Fuel and Power Act 1945, are defrayed out of moneys so provided ;
  - (c) any increase attributable to this Act in the sums payable by way of General Grant, Rate Deficiency Grant or Exchequer Equalisation Grant under the enactments relating to local government in England and Wales or in Scotland.
- (2) Any sums received under this Act by the Minister shall be paid into the Exchequer.

## **83 Application to the Crown**

- (1) The following provisions of this Act, namely sections 4 to 21, 23, 24, 27, 28, 29(1) and (11), 33, 34, 35(1), 36 to 38, 42 and 43 shall, in so far as they impose duties failure to comply with which might give rise to a liability in tort, be binding upon the Crown, and accordingly, for the purposes of those provisions and regulations under any of them, persons in the service of the Crown shall be taken to be employed if, apart from this subsection, they would not be so taken.
- (2) Section 24(7) of this Act shall, in its application to premises occupied by the Crown, have effect with the substitution, for the reference to the authority having power to enforce compliance with the foregoing provisions of that section, of a reference to a factory inspector or a person authorised under section 52(3) of this Act.
- (3) Section 29(1) of this Act shall, in its application to premises owned or occupied by the Crown, have effect with the substitution, for the reference to the appropriate authority,

of a reference to a factory inspector or a person authorised under section 52(3) of this Act; and sections 29(2) to (8) and (10), 30(2) to (6), 32 and 35(2) shall not apply to premises occupied by the Crown or to premises which, though not so occupied, form part of a building owned by the Crown, and shall, in their application to premises owned by the Crown but not occupied by it (not being premises in such a building as aforesaid) have effect as if—

- (a) for references to the appropriate authority (except references in sections 29(2) and (8) and 30(3), the second reference in section 30(4)(b) and the second reference in section 30(6)), there were substituted references to a factory inspector or a person authorised under section 52(3) of this Act;
  - (b) for references to that authority in the said sections 29(2) and (8) and 30(3), for the second reference thereto in section 30(4)(b) and for the second reference thereto in section 30(6), there were substituted references to the factory inspector in charge of the district in which the premises are situate.
- (4) Section 46 of this Act shall, in the case of premises occupied by the Crown, have effect as if, for any reference to an authority having power to enforce any provision of this Act, there were substituted a reference to a factory inspector or a person authorised under section 52(3) of this Act and as if the words in subsection (3) from " and are further satisfied " onwards, and subsections (5) to (14), had been omitted; and an exemption of, or of a room in, any such premises from a requirement imposed by a provision of this Act may be granted under the said section 46 despite the fact that the provision imposing the requirement is not in force in relation to the premises.
- (5) Sections 52 and 53 of this Act shall not be construed as extending to the enforcement of provisions of this Act or regulations thereunder against the Crown or, in so far as they are enforceable, as regards premises owned or occupied by the Crown, against any other person, or as authorising the entry of premises occupied by the Crown, but any such provisions and regulations shall, in so far as they are enforceable, as regards premises owned or occupied by the Crown, against any other person, be enforceable by factory inspectors and persons authorised under section 52(3) of this Act.
- (6) The reference in subsection (1) of this section to a liability in tort shall be construed as not including such a liability towards a member of the armed forces of the Crown, and the reference in that subsection to persons in the service of the Crown shall be construed as not including any such member.
- (7) In the application of this section to Scotland any reference to a liability in tort shall be construed as a reference to a liability in reparation arising from any wrongful or negligent act or omission.

#### **84 Exclusion of application to visiting forces**

- (1) This Act shall not operate to create, towards a member of the naval, military or air forces of a country to which this section applies, a liability in tort against the Government of that country in respect of anything done or omitted by it or against another member of those forces in respect of anything done or omitted by him in the course of his duty.
- (2) This section applies to India, Pakistan, Ghana, the Federation of Malaya, the Republic of Cyprus, Tanganyika and any country designated for the purposes of any provision of the Visiting Forces Act 1952 by Order in Council under section 1(2) of that Act.

- (3) In the application of this section to Scotland the reference to a liability in tort shall be construed as a reference to a liability in reparation arising from any wrongful or negligent act or omission.

**85 Exclusion of application to factories, to certain fish salerooms and to parts below ground of mines**

- (1) With the exception of section 25(2) of this Act, nothing in this Act shall apply to any premises which, for the purposes of the Factories Act 1961, form part of a factory.
- (2) With the exception of section 75(3) of this Act, nothing in this Act shall apply to any premises which, not being office premises, are used for the sale of fish by wholesale and constitute, or are comprised in, premises to which certain provisions of the Factories Act 1961 apply by virtue of section 125(1) (docks, etc.) of that Act.
- (3) Nothing in this Act shall apply to any part below ground of premises which, for the purposes of the Mines and Quarries Act 1954, are a mine.

**86 Exclusion of application to premises occupied for transitory purposes**

- (1) It shall be a defence in any legal proceedings to recover damages and in any prosecution, in so far as the proceedings or prosecution are or is based on an allegation of a contravention, in relation to any premises, of a provision of this Act or regulations thereunder, to prove that at the time of the alleged-contravention the premises were occupied for a purpose that was accomplished before the expiration of a period beginning with the day on which they were occupied for that purpose and of such of the following lengths as is applicable to the circumstances of the case, that is to say, six months if the premises consist of a movable structure, and six weeks if not.
- (2) The foregoing subsection shall not apply to a prosecution for an offence consisting in a failure to comply with an obligation imposed under section 49(1) of this Act to notify the appropriate authority that persons would be employed to work in any premises; but in any such prosecution it shall be a defence to prove that the persons in question were employed to work in the premises while they were occupied as mentioned in the foregoing subsection.

*Provisions with respect to Northern Ireland, Isles of Scilly and Inner and Middle Temples*

**87 Powers of Parliament of Northern Ireland**

The limitations on the power of the Parliament of Northern Ireland to make laws imposed by paragraphs (1), (3) and (4) of section 4(1) of the Government of Ireland Act 1920 (which specify, amongst the matters in respect of which that Parliament is not to have power to make laws, the Crown and the property of the Crown, naval, military and air forces and treaties and relations with foreign states or any part of Her Majesty's dominions) shall not be construed so as to prevent that Parliament from including, in a law made by it for purposes similar to those of this Act (or any of them), provisions corresponding to all or any of the provisions of sections 83 and 84 of this Act (other than provisions with respect to Scotland).

**88 Application to Isles of Scilly**

This Act shall apply to the Isles of Scilly as if those Isles were a county borough and the Council of those Isles were the council of the borough.

**89 Application to Inner and Middle Temples**

- (1) For the purposes of the application of this Act to the Inner Temple and the Middle Temple the respective overseers thereof shall each be deemed to be a local authority.
- (2) Each of the said overseers shall, for the purpose of the enforcement of this Act within his Inn, have the like powers as are by this Act conferred on a factory inspector, and section 53(2) of this Act shall, with requisite modifications, apply accordingly.
- (3) Section 52(1) of this Act shall, in its application to each of the said overseers, have effect with the omission of the requirement to appoint inspectors; but each of the said overseers may appoint inspectors to assist him in the enforcement of this Act, and an inspector appointed under this subsection shall, for the purposes of section 53 of this Act, be treated as having been appointed under the said section 52(1).

*Interpretation***90 Interpretation**

- (1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—
  - except in section 1(4) of this Act, " building " includes structure;
  - " contravention " includes, in relation to a provision of this Act or of regulations thereunder, a failure to comply with the provision, and the expression " contravene " shall be construed accordingly ;
  - " employed " means employed under a contract of service or apprenticeship (whether oral or in writing, express or implied);
  - " factory inspector " means an inspector appointed under section 145 of the Factories Act 1961 ;
  - " fire certificate " means a certificate issued under section 29(3) of this Act;
  - " fish " includes molluscs and crustaceans ;
  - " fuel storage premises " has the meaning assigned to it by section 1(3)(a) (v) of this Act;
  - " local authority " means, as respects England and Wales, the council of a county borough or a county district, the council of a metropolitan borough or the Common Council of the City of London and, as respects Scotland, the council of a county or the town council of a burgh;
  - " magistrates' court " has the same meaning as in the Magistrates' Courts Act 1952 ;
  - " mine and quarry inspector " means an inspector appointed under section 144 of the Mines and Quarries Act 1954 ;
  - " the Minister " means the Minister of Labour ;
  - " notice " means a notice in writing;
  - " office premises " has the meaning assigned to it by section 1(2) of this Act;
  - " owner "—

- (a) as respects England and Wales, means the person for the time being receiving the rackrent of the premises, building or part of a building in connection with which the word is used, whether on his own account or as agent or trustee for another person, or who would so receive the rackrent if the premises, building or part were let at a rack-rent, and
- (b) as respects Scotland, means the person for the time entitled to receive or who would, if the same were let, be entitled to receive, the rents of the premises, building or part of a building in connection with which the word is used and includes a trustee, factor, tutor or curator, and in the case of public or municipal property, applies to the persons to whom the management thereof is entrusted,

and " owned " and " ownership " shall be construed accordingly;

" petty sessions area " has the same meaning as in the Magistrates' Courts Act 1952 ;

" place of public entertainment " means—

- (a) any premises used mainly for public music and dancing in respect of which there is in force a licence granted under the Disorderly Houses Act 1751 ;
- (b) any premises in respect of which there is in force a licence granted under the Cinematograph Acts 1909 and 1952;
- (c) a place of public resort had or kept under the authority of letters patent from Her Majesty, Her heirs or successors, or predecessors, or a licence under the Theatres Act 1843, for the performance of stage plays as defined in that Act;

" police authority " has the same meaning as in the Police Pensions Act 1921 ;

" railway premises " has the meaning assigned to it by section 1(4) of this Act;

" railway undertakers " means any persons authorised by an enactment or a provision of an order or scheme made under or confirmed by an Act to construct, work or carry on a railway;

" shop premises " has the meaning assigned to it by section 1 (3) of this Act;

" week " means the period between midnight on Saturday night and midnight on the succeeding Saturday night.

(2) References in this Act to machinery, plant, equipment or appliances shall be construed as including references to electrical fittings as defined for the purposes of the Electricity Act 1947.

(3) For the purposes of this Act—

- (a) persons employed by railway undertakers to do work the general control of the doing of which is exercised at railway premises, or at office premises occupied by the undertakers for the purposes of the railway undertaking carried on by them and situate in the immediate vicinity of the permanent way, shall be deemed to be employed to work in the premises at which the general control of the doing of their work is exercised notwithstanding that their work is in fact done elsewhere ;
- (b) neither railway premises nor such office premises as aforesaid shall be taken to be premises in the case of which persons are employed to work therein by reason only of the fact that persons employed by the undertakers who occupy the premises resort to the premises for the purpose only of discharging duties

whose discharge is incidental to the work that they are primarily employed to do.

- (4) For the purposes of this Act, any such person as follows shall be taken to be employed, namely.—
- (a) a person appointed under section 6 or 7 of the Registration Service Act 1953 who exercises and performs his powers and duties in premises provided and maintained by the council within whose area his district or sub-district is situate;
  - (b) a person elected under section 8 of the Registration of Births, Deaths and Marriages (Scotland) Act 1854 who exercises his functions in premises provided and maintained by a local authority ;
  - (c) a member of a police force maintained by a police authority.
- (5) The definition of a class of premises, rooms or persons for the purposes of any regulations or order under this Act may be framed by reference to any circumstances whatever.
- (6) Any reference in this Act to any other enactment shall, unless the context otherwise requires, be construed as a reference to that enactment as amended or extended by or under any subsequent enactment.

*Short Title, Commencement, Extent and Repeal*

**91 Short title, commencement, extent and repeal**

- (1) This Act may be cited as the Offices, Shops and Railway Premises Act 1963.
- (2) This Act shall come into operation on such day as the Minister may by order appoint, and different days may be appointed for the coming into operation of different provisions, of a particular provision in relation to premises of different classes or of a particular provision for different purposes.
- (3) This Act shall not extend to Northern Ireland except in so far as it extends the powers of the Parliament of Northern Ireland.
- (4) The enactments specified in columns 1 and 2 of Schedule 2 to this Act are hereby repealed to the extent respectively specified in relation thereto in column 3 of that Schedule.

## SCHEDULES

### SCHEDULE 1

Section 80.

#### PROCEDURE FOR MAKING SPECIAL REGULATIONS

- 1 Before the Minister makes any special regulations he shall publish in the London and Edinburgh Gazettes, and in such other manner as he may think best adapted for informing persons affected, notice of the proposal to make the regulations, and of the place where copies of the draft regulations may be obtained, and of the time (which shall be not less than twenty-one days) within which any objection made with respect to the draft regulations by or on behalf of persons affected must be sent to him.
- 2 Every objection must be in writing and state—
  - (a) the specific grounds of objection ; and
  - (b) the omissions, additions, or modifications asked for.
- 3 The Minister shall consider any objection made by or on behalf of any persons appearing to him to be affected which is sent to him within the required time, and he may, if he thinks fit, amend the draft regulations, and, after doing so, he shall, unless an inquiry has been held under this Schedule, cause the amended draft to be dealt with in like manner as an original draft.
- 4 If after the publication of the notice with respect to any draft regulations (whether an original or amended draft) any general objection (as defined in paragraph 6 of this Schedule) is made within the required time with respect to the draft and not withdrawn, then, unless a previous inquiry under this Schedule has been held with respect to the draft or some previous draft of the regulations, he shall before making the regulations direct an inquiry to be held in the manner hereinafter provided and he may, if he thinks fit, also direct such an inquiry to be held in regard to any objection, notwithstanding that no such general objection has been made or that such a previous inquiry has been held as aforesaid.
- 5 Where any such inquiry is to be held as to any draft regulations, the following provisions shall have effect with respect to the inquiry—
  - (a) the Minister shall appoint a competent person or competent persons to hold the inquiry, and to report to him thereon ;
  - (b) the inquiry shall be held in public, and the chief factory inspector, a deputy chief factory inspector, any objector and any other person who, in the opinion of the person holding the inquiry or, if there is more than one such person, of the person presiding over the inquiry, is affected by the draft regulations, may appear at the inquiry either in person or by counsel, solicitor or agent;
  - (c) the witnesses may, if the person holding or presiding over the inquiry thinks fit, be examined on oath ;
  - (d) subject as aforesaid, the inquiry and all proceedings preliminary and incidental thereto shall be conducted in accordance with regulations made by the Minister and the regulations may make provision as to the costs of

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the inquiry and other proceedings, including the remuneration of the person or persons holding the inquiry.

- 6 In this Schedule the expression " general objection " means, as respects any draft regulations, an objection made—
- (a) by or on behalf of the majority of the occupiers of the premises affected by the draft regulations or by or on behalf of the occupier or occupiers employing a majority of the persons employed to work in those premises, or by any person who satisfies the Minister that he or an association on behalf of which he acts represents a majority of the persons so employed ; or
  - (b) by or on behalf of the majority of the occupiers of any class of premises affected as respects which it appears to the Minister that, by reason of special conditions existing in connection therewith, there is reason to believe that any of the requirements of the draft regulations may be unnecessary or inappropriate in the case of premises of that class, or by or on behalf of the occupier or occupiers employing a majority of the persons employed to work in any such class of premises as aforesaid or by any person who satisfies the Minister that he or an association on behalf of which he acts represents a majority of the persons so employed.

SCHEDULE 2

Section 91.

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
26 Geo. 5 & 1 Edw. 8. c. 49.	The Public Health Act 1936.	In section 44(3), the words " to a shop to which the Shops Act, 1934, applies, or ". In section 45(4), the words " to a shop to which the Shops Act, 1934, applies, or ". Section 46(4). Section 92(3).
14 Geo. 6. c. 28.	The Shops Act 1950	Sections 37 to 39. In section 45, the words "or section thirty-seven ". In section 69(1), the words " and section thirty-seven ". In section 72, subsections (2) and (3), and in subsection (4), paragraph (b). In section 74(1), the definitions of " owner ", "Public Health Acts" and "sanitary authority".



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Session and Chapter	Short Title	Extent of Repeal
6 & 7 Eliz. 2. c. xxi.	The London County Council (General Powers) Act 1958.	In section 75, the last paragraph. Section 18.
8 & 9 Eliz. 2. c. 47.	The Offices Act 1960	The whole Act.

TABLE OF STATUTES REFERRED TO IN THIS ACT

Short Title	Chapter
Disorderly Houses Act 1751	25 Geo. 2. c. 36.
Theatres Act 1843	6 & 7 Vict. c. 68.
Registration of Births, Deaths and Marriages (Scotland) Act 1854	17 & 18 Vict. c. 80.
Interpretation Act 1889	52 & 53 Vict. c. 63.
Public Health (Scotland) Act 1897	60 & 61 Vict. c. 38.
Forgery Act 1913	3 & 4 Geo. 5. c. 27.
Government of Ireland Act 1920	10 & 11 Geo. 5. c. 67.
Police Pensions Act 1921	11 & 12 Geo. 5. c. 31.
Local Government Act 1933	23 & 24 Geo. 5. c. 51.
Public Health Act 1936	26 Geo. 5. & 1 Edw. 8. c. 49.
Public Health (London) Act 1936	26 Geo. 5. & 1 Edw. 8. c. 50.
Nursing Homes Registration (Scotland) Act 1938	1 & 2 Geo. 6. c. 73.
Education Act 1944	7 & 8 Geo. 6. c. 31.
Ministry of Fuel and Power Act 1945	8 & 9 Geo. 6. c. 19.
Statutory Instruments Act 1946	9 & 10 Geo. 6. c. 36.
Fire Services Act 1947	10 & 11 Geo. 6. c. 41.
Local Government (Scotland) Act 1947	10 & 11 Geo. 6. c. 43.
Electricity Act 1947	10 & 11 Geo. 6. c. 54.
Criminal Justice Act 1948	11 & 12 Geo. 6. c; 58.
Criminal Justice (Scotland) Act 1949	12, 13 & 14 Geo. 6. c. 94.
Magistrates' Courts Act 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 55.
Visiting Forces Act 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 67.
Registration Service Act 1953	1 & 2 Eliz. 2. c. 37.
Mines and Quarries Act 1954	2 & 3 Eliz. 2. c. 70.
Building (Scotland) Act 1959	7 & 8 Eliz. 2. c. 24.

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Short Title	Chapter
Factories Act 1961	<a href="#">9 &amp; 10 Eliz. 2. c. 34.</a>