



# Factories Act 1937

1937 CHAPTER 67 1 Edw 8 and 1 Geo 6

## PART VII

SPECIAL APPLICATIONS AND EXTENSIONS.

*Works of Building and Engineering Construction.*

### 107 Building operations.

- (1) Subject as hereinafter in this section provided, the provisions of this Act hereinafter in this subsection mentioned shall apply to building operations undertaken by way of trade or business, or for the purpose of any industrial or commercial undertaking, and to any line or siding which is used in connection therewith and for the purposes thereof and is not part of a railway or tramway, that is to say:—
- (a) the provisions of Part I, with respect to sanitary conveniences;
  - (b) the provisions of Part II, with respect to steam boilers and air receivers (including the provisions as to exceptions as to steam boilers and air receivers), and the power of a court of summary jurisdiction to make orders as to dangerous conditions and practices;
  - (c) the provisions of Part III, with respect to welfare regulations;
  - (d) the provisions of Part IV, with respect to special regulations for safety and health;
  - (e) Part V;
  - (f) the provisions of Part X, with respect to the abstract of this Act and notices, special regulations, general registers (so far as applicable), preservation of registers and records, duties of persons employed, and the prohibition of deductions from wages;
  - (g) the provisions of Part XI, with respect to powers and duties of inspectors and district councils and to regulations and orders of the Secretary of State;
  - (h) Part XII;
  - (i) Part XIII;
  - (j) Part XIV.

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- (2) The provisions of this Act in their application to building operations shall have effect as if any place where such operations are carried on were a factory, and any person undertaking any such operations to which this Act applies were the occupier of a factory, and with such other adaptations and modifications as may be made by regulations made by the Secretary of State :

Provided that such of the provisions of this Act as require general registers to be kept and copies of the prescribed abstract of this Act and of special regulations or the prescribed abstract of such regulations to be kept posted up on the premises shall be deemed to be complied with as respects building operations if the general register is kept at an office of the person undertaking the building operations and copies of the abstract of this Act and of the regulations or abstract thereof are kept posted up at each office, yard, or shop of the person undertaking the operations at which persons employed by him on the operations attend, and in a position where they can easily be read by such persons.

- (3) Any person undertaking any building operations to which this Act applies shall, not later than seven days after the beginning thereof, serve on the inspector for the district a written notice stating the name and postal address of the person so undertaking the operations, the place and nature of the operations, whether any mechanical power is used and, if so, its nature, the name of the district council within whose district the operations are situated and such other particulars as may be prescribed:

Provided that—

- (a) this subsection shall not apply to any operations which the person undertaking them has reasonable grounds for believing will be completed in a period of less than six weeks, except in such cases as the chief inspector may direct; and
- (b) where a person undertakes any building operations in a place where such operations are in progress, he shall not be required to give such a notice as aforesaid if a notice was given in respect of the operations in progress.

## **108 Works of engineering construction.**

- (1) Subject as hereinafter in this section provided, the provisions of this Act hereinafter in this subsection mentioned shall apply to works of engineering construction undertaken by way of trade or business, or for the purpose of any industrial or commercial undertaking, and to any line or siding which is used in connection therewith and for the purposes thereof and is not part of a railway or tramway, that is to say :—
- (a) the provisions of Part I, with respect to sanitary conveniences;
  - (b) the provisions of Part II, with respect to steam boilers and air receivers (including the provisions as to exceptions as to steam boilers and air receivers), and the power of a court of summary jurisdiction to make orders as to dangerous conditions and practices;
  - (c) the provisions of Part III, with respect to welfare regulations;
  - (d) the provisions of Part IV, with respect to special regulations for safety and health;
  - (e) Part V;
  - (f) the provisions of Part X, with respect to the abstract of this Act and notices, special regulations, general registers (so far as applicable), preservation of registers and records, duties of persons employed and the prohibition of deductions from wages ;

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- (g) the provisions of Part XI, with respect to powers and duties of inspectors and district councils and to regulations and orders of the Secretary of State;
- (h) Part XII;
- (i) Part XIII;
- (j) Part XIV:

Provided that no order made under the provisions of this Act with respect to the power of a court of summary jurisdiction to make orders as to dangerous conditions and practices and no special regulations made under Part IV of this Act shall operate so as to interfere with the design of any works of engineering construction or with the adoption in the execution of those works of any method prescribed in the specification or in any signed plans issued, or written directions given, by the consulting engineer or the engineer in charge being a method which is not inconsistent with the safety of the works or of the persons employed.

- (2) The provisions of this Act in their application to works of engineering construction shall have effect as if any place where such works are carried on were a factory, and any person undertaking any such works to which this Act applies were the occupier of a factory, and with such other adaptations and modifications as may be made by regulations made by the Secretary of State :

Provided that such of the provisions of this Act as require general registers to be kept and copies of the prescribed abstract of this Act and of special regulations or the prescribed abstract of such regulations to be kept posted up on the premises shall be deemed to be complied with as respects works of engineering construction if the general register is kept at an office of the person undertaking the works and copies of the abstract of this Act and of the regulations or abstract thereof are kept posted up at each office, yard or shop of the person undertaking the works at which persons employed by him on the works attend, and in a position where they can easily be read by such persons.

- (3) Any person undertaking any works of engineering construction to which this Act applies shall, not later than seven days after the beginning thereof, serve on the inspector for the district a written notice stating the name and postal address of the person so undertaking the works, the place and nature of the works, whether any mechanical power is used, and, if so, its nature, the name of the district council within whose district the works are situate and such other particulars as may be prescribed :

Provided that—

- (a) this subsection shall not apply to any works which the person undertaking them has reasonable ground for believing will be completed in a period of less than six weeks, except in such cases as the chief inspector may direct; and
- (b) if a person undertakes any works of engineering construction in a place where such works are in progress, he shall not be required to give such a notice as aforesaid if a notice was given in respect of the works in progress.