



Factories Act 1937

1937 CHAPTER 67 1 Edw 8 and 1 Geo 6

PART VII

SPECIAL APPLICATIONS AND EXTENSIONS.

Premises in respect of which Owner is liable.

101 Tenement factories.

- (1) The owner (whether or not he is one of the occupiers) of a tenement factory shall, instead of the occupier, be responsible for any contravention of the provisions of this Act hereinafter in this subsection mentioned, that is to say:—
- (i) the provisions of Part I with respect to the drainage of floors, sanitary conveniences, and (except in the case of any room which is occupied by not more than one tenant) cleanliness, overcrowding, temperature, ventilation and lighting;
 - (ii) the provisions of Part II with respect to the provision and maintenance of fencing and safety appliances, except in so far as they relate to machinery or plant belonging to or supplied by the occupier of the tenement, the construction, maintenance, testing and examination of machinery or plant, except such machinery or plant as aforesaid, the construction and maintenance of floors, passages and stairs, means of escape in case of fire, safety provisions in case of fire and the power of a court of summary jurisdiction to make orders as to dangerous factories;
 - (iii) the provisions of Part III;
 - (iv) the provisions of Part IV with respect to removal of dust or fumes except in the case of any room which is occupied by not more than one tenant;
 - (v) the provisions of Part V, except in the case of any such room as aforesaid;
 - (vi) the provisions of Part VI as to notices fixing the hours of employment and notices relating to special exceptions; and
 - (vii) the provisions of Part X as to posting an abstract and notices;

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and for the purpose of the foregoing provisions the whole of a tenement factory or, as the case may be, the whole of such factory except rooms occupied by not more than one tenant shall be deemed to be one factory in the occupation of the owner :

Provided that—

- (a) the owner of the tenement factory shall not be responsible for any contravention of the foregoing provisions arising from the use in a tenement of any fencing, appliances, machinery or plant if the use thereof is a matter outside his control, and the occupier of the tenement shall be responsible for any such contravention; and
 - (b) the owner of the tenement factory shall be responsible, instead of the occupier, for any contravention in rooms occupied by not more than one tenant of the provisions of Part I with respect to cleanliness, overcrowding, temperature, ventilation and lighting, or the provisions of Part IV with respect to removal of dust or fumes, where the contravention arises from a failure to carry out any necessary structural work or any defect in any machinery, plant or fixtures belonging to him, and shall only be so responsible for any contravention of the provisions of Part II with respect to safety provisions in case of fire or the provisions of Part III, where the contravention arises from any such failure or defect as aforesaid; and
 - (c) any occupier may post in his own tenement the notice with respect to the period of employment, and the intervals for meals or rest or any notice relating to a special exception, and thereupon that notice shall, with respect to persons employed by that occupier, have effect in substitution for the corresponding notice posted by the owner.
- (2) The provisions of this Act shall, so far as they are applicable and have not been applied by the foregoing provisions of this section, apply to any part of a tenement factory, which is not comprised within any of the separate factories as if that part were a factory and the owner were the occupier thereof.
- (3) The Secretary of State may by special regulations modify the provisions of this section in their application to any class or description of tenement factory, and those provisions shall also be subject to any regulations made under any enactment repealed by this Act.

102 Premises where part of building is separate factory.

Where a part of a building not being a part of a tenement factory is let off separate factory, the provisions of Part I of this Act with respect to cleanliness and lighting, and the provisions of Part II of this Act with respect to prime movers, transmission machinery, hoists and lifts, steam boilers, and the construction and maintenance of floors, passages and stairs, shall apply to any part of the building used for the purposes of the factory but not comprised therein, and the owner of the building shall be responsible for any contravention of the said provisions and shall also be responsible, instead of the occupier of the factory, for any contravention as respects the factory of the provisions of Part I of this Act with respect to sanitary conveniences and the provisions of Part II of this Act with respect to hoists and lifts, steam boilers, means of escape in case of fire, and safety provisions in case of fire, and for the purposes of the last named provisions with respect to means of escape in case of fire and safety provisions in case of fire, the factory shall be deemed to include any part of the building used for the purpose of the factory:

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Provided that the owner shall be responsible for the cleanliness of sanitary conveniences only when used in common by several tenants, and shall be responsible for any contravention of the provisions relating to hoists and lifts, steam boilers, means of escape in case of fire, and safety provisions in case of fire, only in so far as the said provisions relate to matters within his control.

Electrical Stations.

103 Application of Act to electrical stations.

- (1) The provisions of this Act shall apply to any premises in which persons are regularly employed in or in connection with the processes or operations of generating, transforming or converting, or of switching, controlling or otherwise regulating, electrical energy for supply by way of trade, or for supply for the purposes of any transport undertaking or other industrial or commercial undertaking or of any public building or public institution, or for supply to streets or other public places, as if the premises were a factory and the employer of any person employed in the premises in or in connection with any such process or operation were the occupier of a factory.
- (2) The provisions of this Act hereinafter in this subsection mentioned shall apply to any other premises in which any such processes or operations as aforesaid are carried on or performed for such supply as aforesaid, being premises large enough to admit the entrance of a person after the machinery or plant therein is in position, as if the premises were a factory and the employer of any person employed in the premises in or in connection with any such process or operation were the occupier of a factory, that is to say :—
 - (a) the provisions of Part IV with respect to special regulations for safety and health;
 - (b) Part V;
 - (c) the provisions of Part XI with respect to powers and duties of inspectors and regulations and orders of the Secretary of State;
 - (d) Part XII;
 - (e) Part XIII;
 - (f) Part XIV.
- (3) The Secretary of State may by special regulations apply any of the provisions of this Act mentioned in the last foregoing subsection to any machinery or plant used elsewhere than in premises mentioned in that subsection or in subsection (1) hereof, being machinery or plant used in the aforesaid processes or operations and for such supply as aforesaid, as if the machinery or plant were machinery or plant in a factory, and the employer of any person employed in connection with any such use of the machinery or plant were the occupier of a factory.
- (4) Subsections (1) and (2) of this section shall not, except in so far as the Secretary of State may by special regulations direct, apply to any premises where the aforesaid processes or operations are only carried on or performed for the immediate purpose of working an electric motor or working any apparatus which consumes electrical energy for lighting, heating, transmitting or receiving messages or communications, or other purposes.
- (5) For the purposes of the definition in section one hundred and fifty-one of this Act of the expression “factory”, electrical energy shall not be deemed to be an article,

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but save as aforesaid nothing in this section shall affect the application of this Act to factories within the meaning of that definition.

Institutions.

104 Institutions.

- (1) Where, in any premises forming part of an institution carried on for charitable or reformatory purposes, any manual labour is exercised in or incidental to the making, altering, repairing, ornamenting, finishing, washing, cleaning, or adapting for sale, of articles not intended for the use of the institution, but the premises do not constitute a factory, then, nevertheless, the provisions of this Act shall, subject as hereinafter in this section provided, apply to those premises.
- (2) If in any such institution to which this Act applies the persons having the control of the institution (hereinafter referred to as the managers) satisfy the Secretary of State that the only persons working therein are persons who are inmates of and supported by the institution, or persons engaged in the supervision of the work or the management of machinery, and that such work as aforesaid is carried on in good faith for the purposes of the support, education, training, or reformation of persons engaged in it, the Secretary of State may by order direct that so long as the order is in force this Act shall apply to the institution subject to the following modifications :—

- (a) the managers may submit for the approval of the Secretary of State a scheme for the regulation of the hours of employment, intervals for meals, and holidays of the inmates, and if the Secretary of State is satisfied that the provisions of the scheme are not less favourable to the inmates than the corresponding provisions of this Act, the Secretary of State may approve the scheme, and upon the scheme being so approved this Act shall, until the approval is revoked, apply as if the provisions of the scheme were substituted for the corresponding provisions of this Act:
- (b) the medical officer of the institution (if any) may, on the application of the managers, be appointed to be the examining surgeon for the institution:
- (c) the provisions of Part X of this Act as to the posting of an abstract and notices shall not apply, but among the particulars required to be shown in the general register there shall be included the prescribed particulars of the scheme, or where no scheme is in force the prescribed particulars as to hours of employment, intervals for meals or rest, and holidays, and other matters dealt with in this Act:
- (d) in the case of premises forming part of an institution carried on for reformatory purposes, if the managers of the institution give notice to the chief inspector to that effect, an inspector shall not, without the consent of the managers or of the person having charge of the institution under the managers, examine an inmate of the institution save in the presence of one of the managers or of such person as aforesaid :

Provided that the Secretary of State, on being satisfied that there is reason to believe that a contravention of the provisions of this Act, or of any regulation or order made thereunder, is taking place in any such institution, may suspend the operation of this paragraph as respects that institution to such extent as he may consider necessary :

- (e) the managers shall, not later than the fifteenth day of January in every year, send to the Secretary of State a correct return in the prescribed form,

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specifying the names of the managers and the name of the person (if any) having charge of the institution under the managers, and such particulars as to the number, age, sex, and employment of the inmates and other persons employed in the work carried on in the institution as may be prescribed, and shall, if they fail to do so, be guilty of an offence and liable to a fine not exceeding five pounds.

- (3) This Act shall not except in so far as the Secretary of State may by order direct apply to any premises which do not constitute a factory if the premises are subject to inspection by or under the authority of a Government department.

Docks, Wharves, Quays, Warehouses and Ships.

105 Docks, &c.

- (1) The provisions of this Act hereinafter in this subsection mentioned shall apply to every dock, wharf or quay (including any warehouse belonging to the owners, trustees or conservators of the dock, wharf or quay and any line or siding used in connection with and for the purposes of the dock, wharf or quay and not forming part of a railway or tramway) and every other warehouse (not forming part of a factory) in or for the purposes of which mechanical power is used, as if it were a factory; and as if the person having the actual use or occupation of it or of any premises within it or forming part of it, were the occupier of a factory, that is to say :—
- (a) the provisions of Part II with respect to steam boilers (including the provisions as to exceptions as to steam boilers) so, however, that the owner of the boiler shall, instead of the person deemed to be the occupier, be responsible for any contravention of the said provisions;
 - (b) the provisions of Part II with respect to the power of the Secretary of State to require special safety arrangements for the prevention of accidents and to 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 VII with respect to premises where part of a building is a separate factory, subject to such modifications as may be made by regulations of the Secretary of State;
 - (g) 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, subject to such modifications as may be made by regulations of the Secretary of State, and the provisions of the said Part X with respect to duties of persons employed, and the prohibition of deductions from wages and with respect to weights, measures and weighing and measuring instruments used in ascertaining wages;
 - (h) the provisions of Part XI with respect to powers and duties of inspectors and to regulations and orders of the Secretary of State;
 - (i) Part XII;
 - (j) Part XIV.

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- (2) Subject as hereinafter in this subsection provided, the provisions of this Act mentioned in paragraph (a) (subject to the modification mentioned in that paragraph) and in paragraphs (b), (d), (e), (g), (h) and (i) of the foregoing subsection shall apply to the processes of loading, unloading or coaling of any ship in any dock, harbour or canal, and to all machinery or plant used in those processes, as if the processes were carried on in a factory and the machinery or plant were machinery or plant in a factory, and the person who carries on those processes were the occupier of a factory :

Provided that the provisions of this Act mentioned in the said paragraphs (a) and (b) shall not apply in relation to any such machinery or plant which is on board a ship and is the property of the ship owner. For the purposes of this subsection, the expression “plant” includes any gangway or ladder used by any person employed to load or unload or coal a ship.

- (3) The provisions of Part II of this Act with respect to prime movers, transmission machinery, other machinery, provisions as to unfenced machinery, construction and maintenance of fencing, construction and sale of new machinery, cleaning of machinery by women and young persons, training and supervision of young persons working at dangerous machines, hoists and lifts, chains, ropes and lifting tackle, cranes and other lifting machines, construction and maintenance of floors, passages and stairs, and the power of a court of summary jurisdiction to make orders as to dangerous factories shall apply to every warehouse mentioned in subsection (1) of this section as if the warehouse were a factory and as if the person having the actual use or occupation thereof were the occupier of a factory.

106 Ships.

- (1) Subject as hereinafter in this section provided, the provisions of this Act hereinafter in this section mentioned shall apply to any work carried out in a harbour or wet dock in constructing, reconstructing, repairing, refitting, painting, finishing or breaking up a ship or in scaling, scurfing or cleaning boilers (including combustion chambers and smoke boxes) in a ship, or in cleaning oil-fuel tanks or bilges in a ship, that is to say :—
- (a) the provisions of Part III with respect to welfare regulations;
 - (b) the provisions of Part IV with respect to special regulations for safety and health;
 - (c) Part V;
 - (d) the provisions of Part VI with respect to hours of employment (but not with respect to Sunday employment and annual holidays), subject to such modifications as may be made by regulations of the Secretary of State to meet special circumstances;
 - (e) the provisions of Part X with respect to general registers (so far as applicable), preservation of registers and records, duties of persons employed and the prohibition of deductions from wages;
 - (f) the provisions of Part XI with respect to powers and duties of inspectors and to regulations and orders of the Secretary of State;
 - (g) Part XII;
 - (h) Part XIV;

and for the purpose of such provisions the ship shall be deemed to be a factory, and any person undertaking such work shall be deemed to be the occupier of a factory.

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- (2) Nothing in this Act shall apply to any such work as aforesaid done by the master or crew of a ship or done on board a ship during a trial run.

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.
- (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

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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 ;
 - (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 :

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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.

Lead Processes carried on in Places other than Factories.

109 Employment of women and young persons in places other than factories in processes connected with lead manufacture or involving the use of lead compounds.

The following provisions of this Act, that is to say:—

- (a) the provisions relating to the employment of women and young persons in certain processes connected with lead manufacture and in processes involving the use of lead compounds;
- (b) the provisions requiring notification to be sent to the chief inspector, or to the inspector for the district, of lead poisoning contracted or occurring in factories; and
- (c) any provision relating to powers and duties of inspectors and to offences, penalties and legal proceedings;

shall apply to employment in any such processes as aforesaid in any place other than a factory, as if the place were a factory and the employer were the occupier of the factory, and as if the references to young persons included references to all persons who had not attained the age of eighteen.