



Factories Act 1961

1961 CHAPTER 34

PART I

HEALTH (GENERAL PROVISIONS)

1 Cleanliness

- (1) Every factory shall be kept in a clean state and free from effluvia arising from any drain, sanitary convenience or nuisance.
- (2) Without prejudice to the generality of subsection (1) of this section.—
 - (a) accumulations of dirt and refuse shall be removed daily by a suitable method from the floors and benches of workrooms, and from the staircases and passages;
 - (b) the floor of every workroom shall be cleaned at least once every week by washing or, if it is effective and suitable, by sweeping or other method.
- (3) Without prejudice to the generality of subsection (1) of this section but subject to subsection (4) thereof, the following provisions shall apply as respects all inside walls and partitions and all ceilings or tops of rooms, and all walls, sides and tops of passages and staircases, that is to say.—
 - (a) where they have a smooth impervious surface, they shall at least once in every period of fourteen months be washed with hot water and soap or other suitable detergent or cleaned by such other method as may be approved by the inspector for the district;
 - (b) where they are kept painted in a prescribed manner or varnished, they shall be repainted in a prescribed manner or revarnished at such intervals of not more than seven years as may be prescribed, and shall at least once in every period of fourteen months be washed with hot water and soap or other suitable detergent or cleaned by such other method as may be approved by the inspector for the district;
 - (c) in any other case they shall be kept whitewashed or colourwashed and the whitewashing or colourwashing shall be repeated at least once in every period of fourteen months.

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- (4) Except in a case where the inspector for the district otherwise requires, the provisions of subsection (3) of this section shall not apply to any factory where mechanical power is not used and less than ten persons are employed.
- (5) Where it appears to the Minister that in any class or description of factory or parts thereof any of the foregoing provisions of this section are not required for the purpose of keeping the factory in a clean state, or are by reason of special circumstances inappropriate or inadequate for that purpose, he may, if he thinks fit, by order direct that those provisions shall not apply to factories, or parts of factories, of that class or description, or shall apply as varied by the order.

2 Overcrowding

- (1) A factory shall not, while work is carried on, be so overcrowded as to cause risk of injury to the health of the persons employed in it.
- (2) Without prejudice to the generality of subsection (1) of this section but subject to subsection (3) thereof, the number of persons employed at a time in any workroom shall not be such that the amount of cubic space allowed for each is less than four hundred cubic feet.
- (3) If the chief inspector is satisfied that, owing to the special conditions under which the work is carried on in any workroom in which explosive materials are manufactured or handled, the application of subsection (2) of this section to that workroom would be inappropriate or unnecessary, he may by certificate except the workroom from that subsection subject to any conditions specified in the certificate.
- (4) The Minister may make regulations, as respects any class or description of factory or parts thereof or any process, increasing the number of cubic feet which must under this section be allowed for every person employed in a workroom.
- (5) In calculating for the purposes of this section the amount of cubic space in any room no space more than fourteen feet from the floor shall be taken into account and, where a room contains a gallery, the gallery shall be treated for the purposes of this section as if it were partitioned off from the remainder of the room and formed a separate room.
- (6) Unless the inspector for the district otherwise allows, there shall be posted in the workroom a notice specifying the number of persons who, having regard to the provisions of this section, may be employed in that room.

3 Temperature

- (1) Effective provision shall be made for securing and maintaining a reasonable temperature in each workroom, but no method shall be employed which results in the escape into the air of any workroom of any fume of such a character and to such extent as to be likely to be injurious or offensive to persons employed therein.
- (2) In every workroom in which a substantial proportion of the work is done sitting and does not involve serious physical effort a temperature of less than sixty degrees shall not be deemed, after the first hour, to be a reasonable temperature while work is going on, and at least one thermometer shall be provided and maintained in a suitable position in every such workroom.

- (3) The Minister may, by regulations for factories or for any class or description of factory or parts thereof, prescribe a standard of reasonable temperature (which may vary the standard prescribed by subsection (2) of this section) 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 such places and positions as may be specified.

4 Ventilation

- (1) Effective and suitable provision shall be made for securing and maintaining by the circulation of fresh air in each workroom the adequate ventilation of the room, and for rendering harmless, so far as practicable, all such fumes, dust and other impurities generated in the course of any process or work carried on in the factory as may be injurious to health.
- (2) The Minister may by regulations prescribe a standard of adequate ventilation for factories or for any class or description of factory or parts thereof.

5 Lighting

- (1) Effective provision shall be made for securing and maintaining sufficient and suitable lighting, whether natural or artificial, in every part of a factory in which persons are working or passing.
- (2) The Minister may by regulations prescribe a standard of sufficient and suitable lighting for factories or for any class or description of factory or parts thereof, or for any process.
- (3) Nothing in the foregoing provisions of this section or in any regulations made thereunder shall be construed as enabling directions to be prescribed or otherwise given as to whether any artificial lighting is to be produced by any particular illuminant.
- (4) All glazed windows and skylights used for the lighting of workrooms shall, so far as 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 and skylights for the purpose of mitigating heat or glare.

6 Drainage of floors

Where any process is carried on which renders the floor liable to be wet to such an extent that the wet is capable of being removed by drainage, effective means shall be provided and maintained for draining off the wet.

7 Sanitary conveniences

- (1) Sufficient and suitable sanitary conveniences for the persons employed in the factory shall be provided, maintained and kept clean, and effective provision shall be made for lighting them and, where persons of both sexes are or are intended to be employed (except in the case of factories where the only persons employed are members of the same family dwelling there) the conveniences shall afford proper separate accommodation for persons of each sex.

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- (2) The Minister may make regulations determining for factories or for any class or description of factory what is sufficient and suitable provision for the purposes of this section.

8 Enforcement of certain provisions of Part I by district council

- (1) The foregoing provisions of this Part of this Act relating to sanitary conveniences and any regulations made thereunder shall be enforced by the district council.
- (2) Subject to subsections (3) and (4) of this section, the foregoing provisions of this Part of this Act relating to cleanliness, overcrowding, temperature, ventilation and drainage of floors and any order or regulations made thereunder shall, as respects any factory in which mechanical power is not used, be enforced by the district council.
- (3) Subsection (2) of this section does not apply to any premises occupied or used by a railway company for the purposes of their railway or to any premises vested in the owners, trustees or conservators, acting under powers conferred on them by Parliament, of any dock, harbour or inland navigation and used for the purposes of the dock, harbour or inland navigation.
- (4) Where special provision is made by this Act or any order or regulation made thereunder, against a risk of industrial disease or other risk of injury to health, the Minister may by order direct that the provisions mentioned in subsection (2) of this section or any of them shall not be enforced by the district council in the case of any class or description of factory or part thereof in respect of which that special provision is made.
- (5) Every district council shall keep a register of all factories situate within their district with respect to which the duty to enforce any of the foregoing provisions of this Part of this Act is imposed on them.
- (6) For references in any of the foregoing provisions of this Part of this Act to an inspector there shall be substituted, as respects any factory or part thereof in which that provision is enforceable by a district council, references to a medical officer of health.

9 Powers of inspector as to sanitary defect remediable by district council

- (1) Where an inspector finds any act or default in relation to any drain, sanitary convenience, water supply, nuisance, or other matter in a factory which is liable to be dealt with by the district council under this Part of this Act or under the law relating to public health, he shall give notice thereof in writing to the district council, and it shall be the duty of the district council to make such inquiry into the subject of the notice, and to take such action thereon, as seems to the council proper for the purpose of enforcing the law, and to inform the inspector of the proceedings taken in consequence of the notice.
- (2) Where an inspector finds any such act or default as aforesaid, he may take with him into the factory a medical officer of health, public health inspector (or, in Scotland, sanitary inspector) or other officer of the district council.
- (3) If, within one month after notice of an act or default is given by an inspector under this section to a district council, proceedings are not taken for punishing or remedying the act or default, the inspector may take the like proceedings for the punishment or remedying thereof as the district council might have taken and shall be entitled to

recover from the district council all such expenses incurred by him in and about the proceedings as are not recovered from any other person and have not been incurred in or about any unsuccessful legal proceedings.

- (4) Any sum recoverable under subsection (3) of this section shall, in England and Wales, be recoverable summarily as a civil debt.

10 Powers in case of default of a district council

- (1) If the Minister is satisfied that any district council have failed to enforce any of the provisions of this Part of this Act enforceable by them, he may, by order, authorise an inspector to take, during such period as may be mentioned in the order, such steps as appear necessary or proper for enforcing those provisions.
- (2) An inspector authorised under this section shall, for the purpose of his duties thereunder, have the same powers in regard to any such matters as he has with respect to other matters under this Act, and he may, for that purpose, take the like proceedings for enforcing the provisions of this Act, or for punishing or remedying any act or default, as might be taken by the district council; and he shall be entitled to recover from the district council all such expenses incurred by him in and about any proceedings as are not recovered from any other person.
- (3) Any sum recoverable under subsection (2) of this section shall, in England and Wales, be recoverable summarily as a civil debt.

11 Power to require medical supervision

- (1) Where it appears to the Minister—
- (a) that in any factory or class or description of factory—
 - (i) cases of illness have occurred which he has reason to believe may be due to the nature of a process or other conditions of work ; or
 - (ii) by reason of changes in any process or in the substances used in any process, or by reason of the introduction of any new process or new substance for use in a process, there may be risk of injury to the health of persons employed in that process; or
 - (iii) young persons are or are about to be employed in work which may cause risk of injury to their health; or
 - (b) that there may be risk of injury to the health of persons employed in a factory—
 - (i) from any substance or material brought to the factory to be used or handled therein; or
 - (ii) from any change in the conditions of work or other conditions in the factory;

he may make special regulations requiring such reasonable arrangements to be made for the medical supervision (not including medical treatment other than first-aid treatment and medical treatment of a preventive character) of the persons, or any class of the persons, employed at that factory or class or description of factory as may be specified in the regulations.

- (2) Where the Minister proposes to exercise his powers under this section in relation to a particular factory and for a limited period, he may exercise those powers by order instead of by special regulations, and any such order shall, subject to sub-section (3)

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of this section, cease to have effect at the expiration of such period not exceeding six months from the date when it comes into operation as may be specified in the order.

- (3) The Minister may by subsequent order or orders extend the said period, 'but if the occupier of the factory by notice in writing to him objects to any such extension, the original order shall cease to have effect as from one month after the service of the notice, without prejudice to the making of special regulations in relation to the factory.