



# Factories Act 1961

## 1961 CHAPTER 34 9 and 10 Eliz 2

### PART IV

#### HEALTH, SAFETY AND WELFARE (SPECIAL PROVISIONS AND REGULATIONS)

##### *Special provisions*

**63, 64.** ..... <sup>F1</sup>

#### Textual Amendments

**F1** Ss. 63, 64, 67, 77, 78, repealed by S.I. 1988/1657, reg. 19(1), **Sch. 8 Pt. II**

**65**     **Protection of eyes in certain processes.**

In the case of any such process as may be specified by regulations of the Minister, being a process which involves a special risk of injury to the eyes from particles or fragments thrown off in the course of the process, suitable goggles or effective screens shall, in accordance with any directions given by the regulations, be provided to protect the eyes of the persons employed in the process.

**66** ..... <sup>F2</sup>

#### Textual Amendments

**F2** Ss. 1(5), 2(4), 3(3), 4(2), 5(2), 7(2), 9, 10, 14(3)(4)(6), 17(3)–(5), 18(5)(6), 25(4), 53–55, 58(2)–(4), 59(2)(3), 62, 66, 70, 71, 72(2), 73(2), 76, 81, 83, 121(7), 122(6), 124(2)(3), 129(1), 134, 137(5), 142, 145, 149, 150, 153(3), 159, 164(3), 174(2), 177, 179, 180(5)(7)(8)(10), 181(2), 182(5)(6), Schs. 3, 4 repealed by S.I. 1974/1941, reg. 7, **Sch. 1**

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*Changes to legislation: There are currently no known outstanding effects for the Factories Act 1961, Part IV. (See end of Document for details)*

67 ..... F3

**Textual Amendments**  
F3 Ss. 63, 64, 67, 77, 78, repealed by S.I. 1988/1657, reg. 19(1), Sch. 8 Pt. II

**68 Humid factories.**

- (1) The occupier of every humid factory shall, on or before the first occasion on which artificial humidity is produced at that factory, give notice thereof in writing to the inspector for the district.
- (2) The following provisions of this section shall have effect with respect to every humid factory with respect to which regulations under this Act concerning humidity are not for the time being in force.
- (3) There shall be provided and maintained in every room in which artificial humidity is produced two hygrometers conforming to such conditions as regards construction and maintenance as may be prescribed, and—
  - (a) one of the hygrometers shall be fixed in the centre and the other at the side of the room, or in such other position as may be directed or sanctioned by an inspector, so as to be plainly visible to the persons employed;
  - (b) a copy of the table of humidity set out in the First Schedule to this Act, or such other table as may be substituted therefor by regulations of the Minister, shall be kept hung up near each hygrometer;
  - (c) the occupier or other person authorised for the purpose shall read the hygrometers between ten and eleven o'clock in the morning on every day on which any persons are employed in the room in the morning and between three and four o'clock in the afternoon on every day on which any persons are employed in the room in the afternoon, and when persons are employed before six o'clock in the morning or after eight o'clock in the evening, at such other times as may be directed by the inspector for the district, and shall enter the readings on a record, which shall be provided for each hygrometer in the prescribed form;
  - (d) the forms on which the readings of each hygrometer are recorded shall be kept hung up near the hygrometer, and when filled up shall be preserved at the factory for reference, and the entries recorded in the form shall be prima facie evidence of the humidity of the atmosphere and temperature in the factory.
- (4) There shall be no artificial humidification in any room at any time when the reading of the wet bulb thermometer exceeds [<sup>F</sup>22.5 degrees Celsius], or, in the case of a room in which the spinning of cotton or the spinning of merino or cashmere by the French or dry process or the spinning or combing of wool by that process is carried on, [<sup>F</sup>26.5 degrees Celsius].
- (5) There shall be no artificial humidification in any room at any time when the difference between the readings of the dry and wet bulb thermometers is less than that indicated in the table of humidity.
- (6) No water which is liable to cause injury to the health of the persons employed, or to yield effluvia, shall be used for artificial humidification, and for the purposes of this subsection any water which absorbs from acid solution of permanganate of potash

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in four hours at [<sup>F5</sup>16 degrees Celsius] more than [<sup>F5</sup>7 milligrams] of oxygen [<sup>F5</sup>per litre of water] shall be deemed to be liable to cause injury to the health of the persons employed.

- (7) The chief inspector may direct in writing, in the case of any factory or any room in a factory, that only one hygrometer, fixed in such position as may be directed by an inspector, need be provided instead of two hygrometers fixed as mentioned in paragraph (a) of subsection (3) of this section.
- (8) Where in respect of any room notice has been given in the prescribed manner to the inspector for the district that it is intended that the humidity of the atmosphere should never be greater than will maintain a difference of at least [<sup>F4</sup>2 degrees Celsius] between the readings of the dry and wet bulb thermometers, the provisions of paragraphs (c) and (d) of subsection (3) of this section shall not apply as respects that room so long as at least that difference is maintained and a copy of the said notice is kept posted in the room.

#### Textual Amendments

- F4** Words substituted (with saving) by S.I. 1983/978, regs. 3, 4, Sch. 1  
**F5** Words substituted by S.I. 1983/978, regs. 3, 4, Sch. 1

## 69 Underground rooms.

- (1) The inspector for the district may certify any underground room as unsuitable for work other than work involved in the use of the room for the purpose of storage or such other purpose as the Minister may by order specify, and where such a certificate is in force with respect to any room no work for which it is certified as unsuitable shall be carried on in it.
- (2) Where the inspector certifies as unsuitable any room which is in actual use, he shall suspend the operation of the certificate for such period as he considers reasonable with a view to enabling the occupier to render the room suitable or to obtain other premises.
- (3) Except in the case of a room which on the first day of July, nineteen hundred and thirty-eight was part of a factory (within the meaning of the <sup>M1</sup>Factories Act 1937, as originally enacted) and was used for work for which it may be certified as unsuitable under this section, the occupier of an underground room—
  - (a) shall, before the room is used for work for which it may be certified as unsuitable under this section, give notice in the prescribed form and containing the prescribed particulars to the inspector for the district; and
  - (b) shall not use the room for any such process as may be prescribed, being a process of a hot, wet or dusty nature or which is liable to give off any fume, without the consent in writing of the inspector for the district.
- (4) If the occupier is aggrieved by any decision of an inspector under this section, he may, within twenty-one days of the date of issue of the certificate or the refusal of the consent, as the case may be, appeal to a magistrates' court, or, in Scotland, the sheriff, and, pending the final determination of an appeal against a decision under subsection (1) of this section in the case of a room in actual use, no offence shall be deemed to be committed under that subsection in respect of the room to which the appeal relates.

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(5) In this section—

“underground room” means any room which, or any part of which, is so situate that at least half its height, measured from the floor to the ceiling, is below the surface of the footway of the adjoining street or of the ground adjoining or nearest to the room; and

“unsuitable” means unsuitable as regards construction, height, light or ventilation, or on any hygienic ground, or on the ground that adequate means of escape in case of fire are not provided.

(6) Any certificate issued under this section may be withdrawn by the inspector for the district if such alterations are made as in his opinion to render the room suitable.

**Modifications etc. (not altering text)**

**C1** Reference to Minister in s. 69(1), in so far as it enables orders to be made otherwise than by statutory instrument, to be construed as reference to the Health and Safety Executive: [S.I. 1974/1941, reg. 7, Sch. 1](#)

**Marginal Citations**

**M1** 1937 c. 67.

**70, 71.** ..... **F6**

**Textual Amendments**

**F6** Ss. 1(5), 2(4), 3(3), 4(2), 5(2), 7(2), 9, 10, 14(3)(4)(6), 17(3)–(5), 18(5)(6), 25(4), 53–55, 58(2)–(4), 59(2)(3), 62, 66, 70, 71, 72(2), 73(2), 76, 81, 83, 121(7), 122(6), 124(2)(3), 129(1), 134, 137(5), 142, 145, 149, 150, 153(3), 159, 164(3), 174(2), 177, 179, 180(5)(7)(8)(10), 181(2), 182(5)(6), Schs. 3, 4 repealed by [S.I. 1974/1941, reg. 7, Sch. 1](#)

**72 Lifting excessive weights.**

(1) A person shall not be employed to lift, carry or move any load so heavy as to be likely to cause injury to him.

(2) ..... **F7**

**Textual Amendments**

**F7** Ss. 1(5), 2(4), 3(3), 4(2), 5(2), 7(2), 9, 10, 14(3)(4)(6), 17(3)–(5), 18(5)(6), 25(4), 53–55, 58(2)–(4), 59(2)(3), 62, 66, 70, 71, 72(2), 73(2), 76, 81, 83, 121(7), 122(6), 124(2)(3), 129(1), 134, 137(5), 142, 145, 149, 150, 153(3), 159, 164(3), 174(2), 177, 179, 180(5)(7)(8)(10), 181(2), 182(5)(6), Schs. 3, 4 repealed by [S.I. 1974/1941, reg. 7, Sch. 1](#)

**73** (1) ..... **F8**

(2) ..... **F9**

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**Textual Amendments**

- F8** S. 73(1) repealed by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), ss. 10(1)(b), 29(4), Sch. 3 Pt. I, **Sch. 7 Pt. II**
- F9** Ss. 1(5), 2(4), 3(3), 4(2), 5(2), 7(2), 9, 10, 14(3)(4)(6), 17(3)–(5), 18(5)(6), 25(4), 53–55, 58(2)–(4), 59(2)(3), 62, 66, 70, 71, 72(2), 73(2), 76, 81, 83, 121(7), 122(6), 124(2)(3), 129(1), 134, 137(5), 142, 145, 149, 150, 153(3), 159, 164(3), 174(2), 177, 179, 180(5)(7)(8)(10), 181(2), 182(5)(6), Schs. 3, 4 repealed by [S.I. 1974/1941](#), reg. 7, **Sch. 1**

**74 Prohibition of employment of women and young persons in certain processes connected with lead manufacture.**

A woman or young person shall not be employed in any factory in any of the following operations:—

- (a) work at a furnace where the reduction or treatment of zinc or lead ores is carried on;
- (b) the manipulation, treatment or reduction of ashes containing lead, the desilverising of lead, or the melting of scrap lead or zinc;
- (c) the manufacture of solder or alloys containing more than ten per cent. of lead;
- (d) the manufacture of any oxide, carbonate, sulphate, chromate, acetate, nitrate, or silicate of lead;
- (e) mixing or pasting in connection with the manufacture or repair of electric accumulators;
- (f) the cleaning of workrooms where any of the processes aforesaid are carried on.

**75** ..... **F10**

**Textual Amendments**

- F10** S. 75 repealed by [S.I. 1980/1248](#), **Sch. 1**

**76** ..... **F11**

**Textual Amendments**

- F11** Ss. 1(5), 2(4), 3(3), 4(2), 5(2), 7(2), 9, 10, 14(3)(4)(6), 17(3)–(5), 18(5)(6), 25(4), 53–55, 58(2)–(4), 59(2)(3), 62, 66, 70, 71, 72(2), 73(2), 76, 81, 83, 121(7), 122(6), 124(2)(3), 129(1), 134, 137(5), 142, 145, 149, 150, 153(3), 159, 164(3), 174(2), 177, 179, 180(5)(7)(8)(10), 181(2), 182(5)(6), Schs. 3, 4 repealed by [S.I. 1974/1941](#), reg. 7, **Sch. 1**

*Supplementary provisions*

**77, 78.** ..... **F12**

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**Textual Amendments**

**F12** Ss. 63, 64, 67, 77, 78, repealed by S.I. 1988/1657, reg. 19(1), **Sch. 8 Pt. II**

**79 Restriction on approval of plans for cotton cloth factories.**

No plans or sections relating to the erection or conversion of a building proposed to be used as a cotton cloth factory shall be approved by any local authority to whom they have been submitted in pursuance of any Act or of any byelaw made under any Act unless they are accompanied by a certificate in writing, issued by the superintending inspector of factories for the division in which the building is proposed to be erected or converted, certifying that the building to which the plans and sections relate would not, if erected or converted in accordance therewith, contravene regulations under this Act with respect to humidity in cotton cloth factories.

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