



# Factories Act 1961

## 1961 CHAPTER 34

### PART VII

#### SPECIAL APPLICATIONS AND EXTENSIONS

##### *Lead processes carried on in places other than factories*

#### **128 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.

#### **129 Use of lead paint in connection with buildings**

- (1) The Minister may make special regulations for preventing danger from lead paint to persons employed in or in connection with the painting of buildings, and in particular—
  - (a) for prohibiting the use of any lead compound except in the form of paste or of paint ready for use;

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*Status: This is the original version (as it was originally enacted).*

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- (b) for the prevention of danger arising from the application of lead paint in the form of spray;
  - (c) for prohibiting dry rubbing down and scraping;
  - (d) for providing for the periodical medical examination of persons employed in or in connection with painting with lead paint, and for the suspension from such employment of persons whose health is or appears likely to be injuriously affected thereby;
  - (e) for securing that facilities for washing during, and on cessation of, work are afforded to persons employed in or in connection with painting;
  - (f) for the use of protective clothing by persons so employed and for preventing clothes left off during work from being soiled by paint;
  - (g) for the distribution to persons so employed of instructions with regard to hygienic precautions to be taken.
- (2) The provisions of this Act specified in subsection (3) of this section shall apply in any case where persons are employed in painting buildings as if the place where they are employed were a factory and the person by whom they are employed the occupier of the factory, and with such further or other modifications as may be made by order of the Minister for the purpose of making those provisions applicable to the painting of buildings.
- (3) The said provisions are—
- (a) the provisions of section eighty-two so far as they relate to cases of lead poisoning;
  - (b) section one hundred and thirty-nine;
  - (c) sections one hundred and forty-six, one hundred and forty-nine and one hundred and fifty;
  - (d) section one hundred and fifty-five.
- (4) Subject to subsection (5) of this section, every person who employs persons in painting buildings shall send to the inspector for the district in which his office is situated a notice in writing stating his name and the address of his office, and shall keep at his office a register, which shall be available for inspection by an inspector at all reasonable times, containing such particulars as to the persons so employed by him and as to the work on which they are employed as may be prescribed, and shall make such returns to the inspector for the district as may be prescribed.
- (5) Subsection (4) of this section does not apply where the persons employed are persons whose ordinary occupation does not include the painting of buildings.
- (6) Any person failing to comply with the requirements of subsection (4) of this section shall be liable to a fine not exceeding three pounds.

### **130 Power to take samples of paint, etc.**

- (1) Where an inspector suspects that any substance used or intended for use in painting a building contains a lead compound, he may at any time take for analysis sufficient samples of that substance; and if any person who employs persons in painting buildings refuses to allow an inspector to take samples in pursuance of this section, or to give him facilities for the purpose, he shall be liable to a fine not exceeding three pounds.

- (2) Any such person may, at the time when a sample is taken under this section, and on providing the necessary appliances, require the inspector to divide the sample into two parts and to mark and seal and deliver to him one part.
- (3) Subsections (3) and (4) of section seventy-eight of this Act shall apply in relation to an analysis of a sample under this section as they apply in relation to an analysis of a sample under that section, but with the substitution of fifty pounds for one hundred pounds as the maximum amount of the fine mentioned therein.

**131 Prohibition of employment of women and young persons in painting buildings with lead paint**

- (1) Subject to subsection (2) of this section a woman or young person shall not be employed in painting any part of a building with lead paint.
- (2) This section shall not apply to the employment of—
  - (a) persons employed as apprentices in the painting trade under arrangements approved by an order of the Minister made after consultation with the organisations, if any, representative of the employers and workers in the trade; or
  - (b) women or young persons in such special decorative or other work (other than work of an industrial character) as may be excluded from the provisions of this section by an order of the Minister.

**132 Provisions supplementary to ss.129-131**

In sections one hundred and twenty-nine to one hundred and thirty-one of this Act "lead paint" means any paint, paste, spray, stopping, filling, or other material used in painting which, when treated in a manner prescribed by rules made by the Minister, yields to an aqueous solution of hydrochloric acid a quantity of soluble lead compound exceeding, when calculated as lead monoxide, five per cent. of the dry weight of the portion taken for analysis ; and " building " includes fixtures.