



Factories Act 1961

1961 CHAPTER 34

PART XIV

INTERPRETATION AND GENERAL

Interpretation

175 Interpretation of expression "factory"

- (1) Subject to the provisions of this section, the expression "factory" means any premises in which, or within the close or curtilage or precincts of which, persons are employed in manual labour in any process for or incidental to any of the following purposes, namely:—
- (a) the making of any article or of part of any article ; or
 - (b) the altering, repairing, ornamenting, finishing, cleaning, or washing or the breaking up or demolition of any article; or
 - (c) the adapting for sale of any article;
 - (d) the slaughtering of cattle, sheep, swine, goats, horses, asses or mules; or
 - (e) the confinement of such animals as aforesaid while awaiting slaughter at other premises, in a case where the place of confinement is available in connection with those other premises, is not maintained primarily for agricultural purposes within the meaning of the Agriculture Act, 1947, or, as the case may be, the Agriculture (Scotland) Act, 1948, and does not form part of premises used for the holding of a market in respect of such animals;
- being premises in which, or within the close or curtilage or precincts of which, the work is carried on by way of trade or for purposes of gain and to or over which the employer of the persons employed therein has the right of access or control.
- (2) The expression "factory" also includes the following premises in which persons are employed in manual labour (whether or not they are factories by virtue of subsection (1) of this section), that is to say.—
- (a) any yard or dry dock (including the precincts thereof) in which ships or vessels are constructed, reconstructed, repaired, refitted, finished or broken up;

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- (b) any premises in which the business of sorting any articles is carried on as a preliminary to the work carried on in any factory or incidentally to the purposes of any factory;
 - (c) any premises in which the business of washing or filling bottles or containers or packing articles is carried on incidentally to the purposes of any factory;
 - (d) any premises in which the business of hooking, plaiting, lapping, making-up or packing of yarn or cloth is carried on;
 - (e) any laundry carried on as ancillary to another business, or incidentally to the purposes of any public institution ;
 - (f) except as provided in subsection (10) of this section, any premises in which the construction, reconstruction or repair of locomotives, vehicles or other plant for use for transport purposes is carried on as ancillary to a transport undertaking or other industrial or commercial undertaking;
 - (g) any premises in which printing by letterpress, lithography, photogravure, or other similar process, or bookbinding is carried on by way of trade or for purposes of gain or incidentally to another business so carried on;
 - (h) any premises in which the making, adaptation or repair of dresses, scenery or properties is carried on incidentally to the production, exhibition or presentation by way of trade or for purposes of gain of cinematograph films or theatrical performances, not being a stage or dressing-room of a theatre in which only occasional adaptations or repairs are made;
 - (j) any premises in which the business of making or mending nets is carried on incidentally to the fishing industry;
 - (k) any premises in which mechanical power is used in connection with the making or repair of articles of metal or wood incidentally to any business carried on by way of trade or for purposes of gain ;
 - (l) any premises in which the production of cinematograph films is carried on by way of trade or for purposes of gain, so, however, that the employment at any such premises of theatrical - performers within the meaning of the Theatrical Employers Registration Act, 1925, and of attendants on such theatrical performers shall not be deemed to be employment in a factory ;
 - (m) any premises in which articles are made or prepared incidentally to the carrying on of building operations or works of engineering construction, not being premises in which such operations or works are being carried on;
 - (n) any premises used for the storage of gas in a gasholder having a storage capacity of not less than five thousand cubic feet.
- (3) Any line or siding (not being part of a railway or tramway) which is used in connection with and for the purposes of a factory, shall be deemed to be part of the factory; and if any such line or siding is used in connection with more than one factory belonging to different occupiers, the line or siding shall be deemed to be a separate factory.
- (4) A part of a factory may, with the approval in writing of the chief inspector, be taken to be a separate factory and two or more factories may, with the like approval, be taken to be a single factory.
- (5) Any workplace in which, with the permission of or under agreement with the owner or occupier, two or more persons carry on any work which would constitute the workplace a factory if the persons working therein were in the employment of the owner or occupier, shall be deemed to be a factory for the purposes of this Act, and, in the case of any such workplace not being a tenement factory or part of a tenement factory, the provisions of this Act shall apply as if the owner or occupier of

the workplace were the occupier of the factory and the persons working therein were persons employed in the factory.

- (6) Where a place situate within the close, curtilage, or precincts forming a factory is solely used for some purpose other than the processes carried on in the factory, that place shall not be deemed to form part of the factory for the purposes of this Act, but shall, if otherwise it would be a factory, be deemed to be a separate factory.
- (7) Premises shall not be excluded from the definition of a factory by reason only that they are open air premises.
- (8) Where the Minister by regulations so directs as respects all or any purposes of this Act, different branches or departments of work carried on in the same factory shall be deemed to be different factories.
- (9) Any premises belonging to or in the occupation of the Crown or any municipal or other public authority shall not be deemed not to be a factory, and building operations or works of engineering construction undertaken by or on behalf of the Crown or any such authority shall not be excluded from the operation of this Act, by reason only that the work carried on thereat is not carried on by way of trade or for purposes of gain.
- (10) Premises used for the purpose of housing locomotives or vehicles where only cleaning, washing, running repairs or minor adjustments are carried out shall not be deemed to be a factory by reason only of paragraph (f) of subsection (2) of this section, unless they are premises used for the purposes of a railway undertaking where running repairs to locomotives are carried out.

176 General interpretation

- (1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—
 - " bakehouse " means any place in which bread, biscuits or confectionery is or are baked by way of trade or for purposes of gain;
 - " bank holiday " means a holiday under the Holidays Extension Act, 1875;
 - " bodily injury " includes injury to health ;
 - " building operation " means the construction, structural alteration, repair or maintenance of a building (including re-pointing, re-decoration and external cleaning of the structure), the demolition of a building, and the preparation for, and laying the foundation of, an intended building, but does not include any operation which is a work of engineering construction within the meaning of this Act;
 - " calendar year " means the period of twelve months beginning with the first day of January in any year;
 - " chief inspector " means the chief inspector appointed under this Act, and includes a deputy chief inspector;
 - " child " means any person who is not for the purposes of the Education Act, 1944, over compulsory school age (or for the purposes of the Education (Scotland) Act, 1946, over school age); , " class or description ", in relation to factories, includes a group of factories described by reference to locality;
 - " contravention " includes, in relation to any provision, a failure to comply with that provision, and the expression " contravene " shall be construed accordingly ;

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

" cotton cloth factory " means any room, shed or workshop, or part thereof, in which the weaving of cotton cloth is carried on;

" degrees " means degrees Fahrenheit;

" district council " means, as respects England and Wales, the council of a borough or county district, and, as respects Scotland, the council of a county or the town council of a burgh;

" driving-belt " includes any driving strap or rope ;

" fume " includes gas or vapour;

" general register " means the register kept in accordance with the requirements of section one hundred and forty of this Act;

" humid factory " means a factory in which atmospheric humidity is artificially produced by steaming or other means in connection with any textile process;

" inspector " means, except where otherwise expressed, an inspector appointed under this Act, and a reference to the inspector for the district or to the superintending inspector for the division refers, as respects any factory, to the inspector in charge of the district, or the superintending inspector in charge of the division, in which the factory is situate;

" machinery " includes any driving-belt;

" magistrates' court " has the same meaning as in the Magistrates' Courts Act, 1952;

" maintained " means maintained in an efficient state, in efficient working order, and in good repair;

" the Minister " means the Minister of Labour ;

" owner "—

(a) as respects England and Wales, means the person for the time being receiving the rackrent of the premises in connection with which the word is used, whether on his own account or as agent or trustee for another person, or who would so receive the rackrent if the premises were let at a rackrent; and

(b) as respects Scotland, means the person for the time entitled to receive or who would, if the same were let, be entitled to receive, the rents of the premises, and includes a trustee, factor, tutor or curator, and in the case of public or municipal property, applies to the persons to whom the management thereof is entrusted;

" parent " means a parent or guardian of, or person having the legal custody of, or the control over, a child or young person, and includes, in relation to any child or young person, any person having direct benefit from his wages;

"period of employment " means the period (inclusive of the time allowed for meals and rest) within which persons may be employed on any day;

" prescribed " means prescribed by order of the Minister;

" prime mover " means every engine, motor or other appliance which provides mechanical energy derived from steam, water, wind, electricity, the combustion of fuel or other source;

" process " includes the use of any locomotive;

" railway " means any railway used for the purposes of public traffic whether passenger, goods, or other traffic and includes any works of the railway company connected with the railway;

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" railway company " includes the British Transport Commission and a company or person working a railway under lease or otherwise;

"sanitary conveniences" includes urinals, water-closets, earthclosets, privies, ashpits, and any similar convenience ;

" special regulations " means regulations with respect to which the Fourth Schedule to this Act has effect;

" ship ", " vessel ", and " harbour " have the same meanings as in the Merchant Shipping Act, 1894;

" tenement factory " means any premises where mechanical power from any prime mover within the close or curtilage of the premises is distributed for use in manufacturing processes to different parts of the same premises occupied by different persons in such manner that those parts constitute in law separate factories;

" tramway " means a tramway authorised by or under any Act of Parliament and used for the purpose of public traffic;

" transmission machinery " means every shaft, wheel, drum, pulley, system of fast and loose pulleys, coupling, clutch, driving-belt or other device by which the motion of a prime mover is transmitted to or received by any machine or appliance;

" week " means the period between midnight on Saturday night and midnight on the succeeding Saturday night;

" woman " means a woman who has attained the age of eighteen;

" work of engineering construction " means the construction of any railway line or siding otherwise than upon an existing railway, and the construction, structural alteration or repair (including re-pointing and re-painting) or the demolition of any dock, harbour, inland navigation, tunnel, bridge, viaduct, waterworks, reservoir, pipe-line, aqueduct, sewer, sewage works, or gasholder, except where carried on upon a railway or tramway, and includes such other works as may be specified by regulations of the Minister;

" young person " means a person who has ceased to be a child but has not attained the age of eighteen.

- (2) For the purposes of this Act, machinery or plant shall be deemed to have been constructed or reconstructed, and a factory or building to have been constructed, reconstructed, extended, added to, or converted for use as a factory, before any date, if the construction, reconstruction, extension, addition, or conversion was begun before that date.
- (3) For the purposes of this Act, a factory shall not be deemed to be a factory in which mechanical power is used by reason only that mechanical power is used for the purpose of heating, ventilating or lighting the workrooms or other parts of the factory.
- (4) A woman, young person, or child who works in a factory, whether for wages or not, either in a process or in cleaning any part of the factory used for any process, or in cleaning or oiling any part of the machinery or plant, or in any other kind of work whatsoever incidental to or connected with the process, or connected with the article made or otherwise the subject of the process therein, shall, save as is otherwise provided by this Act, be deemed to be employed therein for the purposes of this Act or of any proceedings thereunder, except that a woman employed solely in cleaning a factory or any part thereof, otherwise than in cleaning which is incidental to or connected with any process, shall not be deemed for the purposes of Part VI of this Act to be employed in the factory.

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- (5) A young person who works in a factory, whether for wages or not, in collecting, carrying or delivering goods, carrying messages or running errands shall be deemed to be employed in the factory for the purposes of this Act or of any proceedings thereunder, but the provisions of Part VI of this Act shall not apply, except as expressly provided, to any such young person who is employed mainly outside the factory.
- (6) For the purposes of this Act, employment shall be deemed to be continuous unless interrupted by an interval of at least half an hour.
- (7) For the purposes of this Act, an apprentice shall be deemed to be a person employed.
- (8) This Act shall in its application to London have effect as if for references to district councils there were substituted, as respects the City of London references to the common council, and as respects the remainder of the administrative county of London, references to metropolitan borough councils.
- (9) References in this Act to any enactment shall be construed as references to that enactment as amended by any subsequent enactment, including this Act.