



Offices, Shops and Railway Premises Act 1963

1963 CHAPTER 41

Amendments of other Acts

- 74 Amendment of sections 123(1) and 124(1) of Factories Act 1961, and provisions consequential thereon**
- (1) For the purposes of section 123(1) (application of Act to electrical stations) of the Factories Act 1961, office premises to which this Act applies which are comprised in premises to which that subsection applies shall, notwithstanding that they are so comprised, be deemed not to form part of the premises.
 - (2) The Minister may by special regulations provide that premises which, but for the operation of the foregoing subsection, would, for the purposes of the said section 123(1), form part of premises to which the said section 123(1) applies, or any class of premises such as are first-mentioned in this subsection.—
 - (a) shall be excepted from the operation of section 24 of this Act; and
 - (b) shall, notwithstanding the foregoing subsection, be deemed for the purposes of section 61 (first aid) of the said Act of 1961 to form part of the premises of which, but for that subsection, they would, for the purposes of the said section 123(1), form part.
 - (3) Regulations under this section may provide that, for the purposes of the application to premises to which the said section 123(1) applies of subsection (4) of the said section 61, persons employed to work in premises which, by virtue of the regulations, are deemed for the purposes of the said section 61 to form part of the first-mentioned premises shall (according as may be specified in the regulations) be left out of account or be taken into account to a number (ascertained in accordance with the regulations) less than the full number thereof.
 - (4) The foregoing provisions of this section shall, with the substitution, for references to the said section 123(1), of references to section 124(1) (institutions) of the Factories Act 1961, have effect with respect to office premises to which this Act applies which are comprised in premises to which the said section 124(1) applies, as they have effect

with respect to office premises to which this Act applies which are comprised in premises to which the said section 123(1) applies.

75 Amendment of section 125(1) of Factories Act 1961, and provisions consequential thereon

- (1) For the purposes of section 125(1) (docks, etc.) of the Factories Act 1961, office premises to which this Act applies which are comprised in premises to which that subsection applies shall, notwithstanding that they are so comprised, be deemed not to form part of the premises.
- (2) The Minister may by special regulations provide that premises which, but for the operation of the foregoing subsection, would, for the purposes of the said section 125(1), form part of premises to which the said section 125(1) applies, or any class of premises such as are first-mentioned in this subsection.—
 - (a) shall be excepted from the operation of section 24 of this Act; and
 - (b) shall, notwithstanding the foregoing subsection, be deemed for the purposes of any regulation as to first aid made by virtue of section 125(2) of the said Act which is applicable to the premises of which, but for the foregoing subsection, they would, for the purposes of the said section 125(1), form part, to form part of those premises.
- (3) The reference in the said section 125(1) to a warehouse in or for the purposes of which mechanical power is used, being a warehouse neither forming part of a factory nor belonging to the owners, trustees or conservators of a dock, wharf or quay, shall be construed as not including a building occupied by a wholesale dealer or merchant where goods are kept for sale wholesale or a part of a building so occupied where goods are so kept.

76 Amendment of Public Health Act 1936

- (1) Where plans of a building or of an extension of a building are, in accordance with building byelaws or building regulations, deposited with a local authority, and the building or, as the case may be, the building as extended will be a building to which section 59 (exits, entrances, &c, in the case of certain public, and other, buildings) of the Public Health Act 1936 applies and, in the authority's opinion, will be likely to be the subject of an application under section 29 of this Act, the authority (if not themselves the authority discharging, in the area in which the building or the building as extended is or will be situate, the functions of fire authority under the Fire Services Act 1947) shall, before passing or rejecting the plans, seek consultation thereon with the authority discharging, in that area, those functions.
- (2) Neither subsections (2) to (4) of section 59 of the said Act of 1936 nor section 60 (means of escape from fire in the case of certain high buildings) thereof nor any provision of a local Act which has effect in place of the said section 60 shall apply to premises with respect to which a fire certificate is for the time being in force.
- (3) Section 92(1)(e) of the said Act of 1936 (which includes, amongst the statutory nuisances that may be dealt with summarily under Part III of that Act, ill-ventilated, dirty, overcrowded or malodorous workplaces) shall not apply to premises to which this Act applies.

77 Exclusion of application of sections 128 and 129 of Public Health (London) Act 1936

Sections 128 (nuisances from factories, workshops and work places) and 129 (limewashing and washing of factories, workshops and workplaces) of the Public Health (London) Act 1936 shall not apply to premises to which this Act applies.

78 Provision for securing exercise of local Act powers in conformity with this Act

A person required by or under a local Act to effect any alterations to, or to any apparatus or fittings in, a building shall not be treated as having acted in contravention of that enactment by reason of his failure to effect those alterations in so far as the failure is attributable to the fact that remedying it would involve a contravention of this Act or regulations thereunder.