



# Offices, Shops and Railway Premises Act 1963

## 1963 CHAPTER 41

### *General Provisions*

#### **79 Minister to report to Parliament**

The Minister shall annually lay before Parliament a report of his proceedings under this Act and generally about the operation of this Act.

#### **80 Regulations and orders**

- (1) Any regulations or orders made under this Act by the Minister (other than orders made under section 62 of this Act) shall be made by statutory instrument.
- (2) A statutory instrument containing regulations under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Any power conferred by this Act to make regulations and any power conferred by or by virtue of this Act to make an order (except the power conferred by section 62 of this Act) shall respectively include power to make different provision in relation to different circumstances.
- (4) Any power conferred by this Act to prescribe standards or impose requirements shall include power to do so by reference to the approval of the Minister.
- (5) Regulations under this Act may grant or provide for the granting of exemptions from any of the provisions of the regulations, either unconditionally or subject to conditions.
- (6) Regulations under this Act may empower the Minister by order to prescribe any particulars required to be furnished to any person in pursuance of the regulations and any form to be used for any purpose of the regulations; and the Statutory Instruments Act 1946 shall apply to an order made by virtue of this subsection as it applies to an order made under this Act.

- (7) Any power conferred by or by virtue of this Act to make an order shall include power to vary or revoke the order by a subsequent order.
- (8) The provisions of Schedule 1 to this Act shall have effect with respect to regulations referred to in this Act as special regulations.

## **81 Mode of service of notices under this Act**

- (1) A notice required or authorised by or by virtue of this Act to be served on or given to a factory inspector or a mine and quarry inspector may be served or given by delivering it to him or by leaving it at, or sending it by post to, his office.
- (2) Any such notice required or authorised to be served on or given to a person other than a factory inspector or a mine and quarry inspector may be served or given by delivering it to him, or by leaving it at his proper address, or by post.
- (3) Any such notice required or authorised to be served on or given to a corporation or firm shall be duly served or given if it is served on or given to, as the case may be, the secretary or clerk of the corporation or a partner of the firm.
- (4) For the purposes of this section and of section 26 of the Interpretation Act 1889 in its application to this section the proper address of a person on or to whom any such notice as aforesaid is to be served or given shall, in the case of the secretary or clerk of a corporation, be that of the registered or principal office of the corporation, in the case of a partner of a firm, be that of the principal office of the firm, and, in any other case, be the last known address of the person to be served:

Provided that, where the person on or to whom the notice is to be served or given has, in accordance with arrangements agreed, furnished an address for the service or giving of the notice, being an address in the United Kingdom, his proper address for the purposes aforesaid shall be the address furnished.

- (5) If the name or the address of any owner or occupier of land on or to whom any such notice as aforesaid is to be served or given cannot after reasonable inquiry be ascertained by the authority or person seeking to serve or give the notice. the notice may be served or given by addressing it to the person on or to whom it is to be served or given by the description of " owner " or " occupier " of the land (describing it) to which the notice relates, and by delivering it to some responsible person resident or appearing to be resident on the premises, or, if there is no such person to whom it can be delivered, by affixing it or a copy of it to some conspicuous part of the premises.
- (6) The foregoing provisions of this section shall apply to the sending of a document as they apply to the giving of a notice.

## **82 Expenses and receipts**

- (1) There shall be defrayed out of moneys provided by Parliament—
  - (a) any expenses incurred by the Minister in carrying this Act into effect;
  - (b) any increase attributable to this Act in the expenses of the Minister of Power which, by virtue of section 3(3) of the Ministry of Fuel and Power Act 1945, are defrayed out of moneys so provided ;
  - (c) any increase attributable to this Act in the sums payable by way of General Grant, Rate Deficiency Grant or Exchequer Equalisation Grant under the enactments relating to local government in England and Wales or in Scotland.

- (2) Any sums received under this Act by the Minister shall be paid into the Exchequer.

### **83 Application to the Crown**

- (1) The following provisions of this Act, namely sections 4 to 21, 23, 24, 27, 28, 29(1) and (11), 33, 34, 35(1), 36 to 38, 42 and 43 shall, in so far as they impose duties failure to comply with which might give rise to a liability in tort, be binding upon the Crown, and accordingly, for the purposes of those provisions and regulations under any of them, persons in the service of the Crown shall be taken to be employed if, apart from this subsection, they would not be so taken.
- (2) Section 24(7) of this Act shall, in its application to premises occupied by the Crown, have effect with the substitution, for the reference to the authority having power to enforce compliance with the foregoing provisions of that section, of a reference to a factory inspector or a person authorised under section 52(3) of this Act.
- (3) Section 29(1) of this Act shall, in its application to premises owned or occupied by the Crown, have effect with the substitution, for the reference to the appropriate authority, of a reference to a factory inspector or a person authorised under section 52(3) of this Act; and sections 29(2) to (8) and (10), 30(2) to (6), 32 and 35(2) shall not apply to premises occupied by the Crown or to premises which, though not so occupied, form part of a building owned by the Crown, and shall, in their application to premises owned by the Crown but not occupied by it (not being premises in such a building as aforesaid) have effect as if—
- (a) for references to the appropriate authority (except references in sections 29(2) and (8) and 30(3), the second reference in section 30(4)(b) and the second reference in section 30(6)), there were substituted references to a factory inspector or a person authorised under section 52(3) of this Act;
  - (b) for references to that authority in the said sections 29(2) and (8) and 30(3), for the second reference thereto in section 30(4)(b) and for the second reference thereto in section 30(6), there were substituted references to the factory inspector in charge of the district in which the premises are situate.
- (4) Section 46 of this Act shall, in the case of premises occupied by the Crown, have effect as if, for any reference to an authority having power to enforce any provision of this Act, there were substituted a reference to a factory inspector or a person authorised under section 52(3) of this Act and as if the words in subsection (3) from " and are further satisfied " onwards, and subsections (5) to (14), had been omitted; and an exemption of, or of a room in, any such premises from a requirement imposed by a provision of this Act may be granted under the said section 46 despite the fact that the provision imposing the requirement is not in force in relation to the premises.
- (5) Sections 52 and 53 of this Act shall not be construed as extending to the enforcement of provisions of this Act or regulations thereunder against the Crown or, in so far as they are enforceable, as regards premises owned or occupied by the Crown, against any other person, or as authorising the entry of premises occupied by the Crown, but any such provisions and regulations shall, in so far as they are enforceable, as regards premises owned or occupied by the Crown, against any other person, be enforceable by factory inspectors and persons authorised under section 52(3) of this Act.
- (6) The reference in subsection (1) of this section to a liability in tort shall be construed as not including such a liability towards a member of the armed forces of the Crown,

and the reference in that subsection to persons in the service of the Crown shall be construed as not including any such member.

- (7) In the application of this section to Scotland any reference to a liability in tort shall be construed as a reference to a liability in reparation arising from any wrongful or negligent act or omission.

#### **84 Exclusion of application to visiting forces**

- (1) This Act shall not operate to create, towards a member of the naval, military or air forces of a country to which this section applies, a liability in tort against the Government of that country in respect of anything done or omitted by it or against another member of those forces in respect of anything done or omitted by him in the course of his duty.
- (2) This section applies to India, Pakistan, Ghana, the Federation of Malaya, the Republic of Cyprus, Tanganyika and any country designated for the purposes of any provision of the Visiting Forces Act 1952 by Order in Council under section 1(2) of that Act.
- (3) In the application of this section to Scotland the reference to a liability in tort shall be construed as a reference to a liability in reparation arising from any wrongful or negligent act or omission.

#### **85 Exclusion of application to factories, to certain fish salerooms and to parts below ground of mines**

- (1) With the exception of section 25(2) of this Act, nothing in this Act shall apply to any premises which, for the purposes of the Factories Act 1961, form part of a factory.
- (2) With the exception of section 75(3) of this Act, nothing in this Act shall apply to any premises which, not being office premises, are used for the sale of fish by wholesale and constitute, or are comprised in, premises to which certain provisions of the Factories Act 1961 apply by virtue of section 125(1) (docks, etc.) of that Act.
- (3) Nothing in this Act shall apply to any part below ground of premises which, for the purposes of the Mines and Quarries Act 1954, are a mine.

#### **86 Exclusion of application to premises occupied for transitory purposes**

- (1) It shall be a defence in any legal proceedings to recover damages and in any prosecution, in so far as the proceedings or prosecution are or is based on an allegation of a contravention, in relation to any premises, of a provision of this Act or regulations thereunder, to prove that at the time of the alleged- contravention the premises were occupied for a purpose that was accomplished before the expiration of a period beginning with the day on which they were occupied for that purpose and of such of the following lengths as is applicable to the circumstances of the case, that is to say, six months if the premises consist of a movable structure, and six weeks if not.
- (2) The foregoing subsection shall not apply to a prosecution for an offence consisting in a failure to comply with an obligation imposed under section 49(1) of this Act to notify the appropriate authority that persons would be employed to work in any premises; but in any such prosecution it shall be a defence to prove that the persons in question were employed to work in the premises while they were occupied as mentioned in the foregoing subsection.