



Factories Act 1937

1937 CHAPTER 67 1 Edw 8 and 1 Geo 6

PART VII

SPECIAL APPLICATIONS AND EXTENSIONS.

Docks, Wharves, Quays, Warehouses and Ships.

105 Docks, &c.

- (1) The provisions of this Act hereinafter in this subsection mentioned shall apply to every dock, wharf or quay (including any warehouse belonging to the owners, trustees or conservators of the dock, wharf or quay and any line or siding used in connection with and for the purposes of the dock, wharf or quay and not forming part of a railway or tramway) and every other warehouse (not forming part of a factory) in or for the purposes of which mechanical power is used, as if it were a factory; and as if the person having the actual use or occupation of it or of any premises within it or forming part of it, were the occupier of a factory, that is to say :—
- (a) the provisions of Part II with respect to steam boilers (including the provisions as to exceptions as to steam boilers) so, however, that the owner of the boiler shall, instead of the person deemed to be the occupier, be responsible for any contravention of the said provisions;
 - (b) the provisions of Part II with respect to the power of the Secretary of State to require special safety arrangements for the prevention of accidents and to the power of a court of summary jurisdiction to make orders as to dangerous conditions and practices ;
 - (c) the provisions of Part III with respect to welfare regulations;
 - (d) the provisions of Part IV with respect to special regulations for safety and health;
 - (e) Part V;
 - (f) the provisions of Part VII with respect to premises where part of a building is a separate factory, subject to such modifications as may be made by regulations of the Secretary of State;

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- (g) the provisions of Part X with respect to the abstract of this Act and notices, special regulations, general registers (so far as applicable), preservation of registers and records, subject to such modifications as may be made by regulations of the Secretary of State, and the provisions of the said Part X with respect to duties of persons employed, and the prohibition of deductions from wages and with respect to weights, measures and weighing and measuring instruments used in ascertaining wages;
 - (h) the provisions of Part XI with respect to powers and duties of inspectors and to regulations and orders of the Secretary of State;
 - (i) Part XII;
 - (j) Part XIV.
- (2) Subject as hereinafter in this subsection provided, the provisions of this Act mentioned in paragraph (a) (subject to the modification mentioned in that paragraph) and in paragraphs (b), (d), (e), (g), (h) and (i) of the foregoing subsection shall apply to the processes of loading, unloading or coaling of any ship in any dock, harbour or canal, and to all machinery or plant used in those processes, as if the processes were carried on in a factory and the machinery or plant were machinery or plant in a factory, and the person who carries on those processes were the occupier of a factory :

Provided that the provisions of this Act mentioned in the said paragraphs (a) and (b) shall not apply in relation to any such machinery or plant which is on board a ship and is the property of the ship owner. For the purposes of this subsection, the expression “plant” includes any gangway or ladder used by any person employed to load or unload or coal a ship.

- (3) The provisions of Part II of this Act with respect to prime movers, transmission machinery, other machinery, provisions as to unfenced machinery, construction and maintenance of fencing, construction and sale of new machinery, cleaning of machinery by women and young persons, training and supervision of young persons working at dangerous machines, hoists and lifts, chains, ropes and lifting tackle, cranes and other lifting machines, construction and maintenance of floors, passages and stairs, and the power of a court of summary jurisdiction to make orders as to dangerous factories shall apply to every warehouse mentioned in subsection (1) of this section as if the warehouse were a factory and as if the person having the actual use or occupation thereof were the occupier of a factory.

106 Ships.

- (1) Subject as hereinafter in this section provided, the provisions of this Act hereinafter in this section mentioned shall apply to any work carried out in a harbour or wet dock in constructing, reconstructing, repairing, refitting, painting, finishing or breaking up a ship or in scaling, scurfig or cleaning boilers (including combustion chambers and smoke boxes) in a ship, or in cleaning oil-fuel tanks or bilges in a ship, that is to say :—
- (a) the provisions of Part III with respect to welfare regulations;
 - (b) the provisions of Part IV with respect to special regulations for safety and health;
 - (c) Part V;
 - (d) the provisions of Part VI with respect to hours of employment (but not with respect to Sunday employment and annual holidays), subject to such modifications as may be made by regulations of the Secretary of State to meet special circumstances;

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- (e) the provisions of Part X with respect to general registers (so far as applicable), preservation of registers and records, duties of persons employed and the prohibition of deductions from wages;
- (f) the provisions of Part XI with respect to powers and duties of inspectors and to regulations and orders of the Secretary of State;
- (g) Part XII;
- (h) Part XIV;

and for the purpose of such provisions the ship shall be deemed to be a factory, and any person undertaking such work shall be deemed to be the occupier of a factory.

- (2) Nothing in this Act shall apply to any such work as aforesaid done by the master or crew of a ship or done on board a ship during a trial run.