



Factories Act 1937

1937 CHAPTER 67 1 Edw 8 and 1 Geo 6

PART VII

SPECIAL APPLICATIONS AND EXTENSIONS.

Premises in respect of which Owner is liable.

101 Tenement factories.

- (1) The owner (whether or not he is one of the occupiers) of a tenement factory shall, instead of the occupier, be responsible for any contravention of the provisions of this Act hereinafter in this subsection mentioned, that is to say:—
- (i) the provisions of Part I with respect to the drainage of floors, sanitary conveniences, and (except in the case of any room which is occupied by not more than one tenant) cleanliness, overcrowding, temperature, ventilation and lighting;
 - (ii) the provisions of Part II with respect to the provision and maintenance of fencing and safety appliances, except in so far as they relate to machinery or plant belonging to or supplied by the occupier of the tenement, the construction, maintenance, testing and examination of machinery or plant, except such machinery or plant as aforesaid, the construction and maintenance of floors, passages and stairs, means of escape in case of fire, safety provisions in case of fire and the power of a court of summary jurisdiction to make orders as to dangerous factories;
 - (iii) the provisions of Part III;
 - (iv) the provisions of Part IV with respect to removal of dust or fumes except in the case of any room which is occupied by not more than one tenant;
 - (v) the provisions of Part V, except in the case of any such room as aforesaid;
 - (vi) the provisions of Part VI as to notices fixing the hours of employment and notices relating to special exceptions; and
 - (vii) the provisions of Part X as to posting an abstract and notices;

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and for the purpose of the foregoing provisions the whole of a tenement factory or, as the case may be, the whole of such factory except rooms occupied by not more than one tenant shall be deemed to be one factory in the occupation of the owner :

Provided that—

- (a) the owner of the tenement factory shall not be responsible for any contravention of the foregoing provisions arising from the use in a tenement of any fencing, appliances, machinery or plant if the use thereof is a matter outside his control, and the occupier of the tenement shall be responsible for any such contravention; and
 - (b) the owner of the tenement factory shall be responsible, instead of the occupier, for any contravention in rooms occupied by not more than one tenant of the provisions of Part I with respect to cleanliness, overcrowding, temperature, ventilation and lighting, or the provisions of Part IV with respect to removal of dust or fumes, where the contravention arises from a failure to carry out any necessary structural work or any defect in any machinery, plant or fixtures belonging to him, and shall only be so responsible for any contravention of the provisions of Part II with respect to safety provisions in case of fire or the provisions of Part III, where the contravention arises from any such failure or defect as aforesaid; and
 - (c) any occupier may post in his own tenement the notice with respect to the period of employment, and the intervals for meals or rest or any notice relating to a special exception, and thereupon that notice shall, with respect to persons employed by that occupier, have effect in substitution for the corresponding notice posted by the owner.
- (2) The provisions of this Act shall, so far as they are applicable and have not been applied by the foregoing provisions of this section, apply to any part of a tenement factory, which is not comprised within any of the separate factories as if that part were a factory and the owner were the occupier thereof.
- (3) The Secretary of State may by special regulations modify the provisions of this section in their application to any class or description of tenement factory, and those provisions shall also be subject to any regulations made under any enactment repealed by this Act.

102 Premises where part of building is separate factory.

Where a part of a building not being a part of a tenement factory is let off separate factory, the provisions of Part I of this Act with respect to cleanliness and lighting, and the provisions of Part II of this Act with respect to prime movers, transmission machinery, hoists and lifts, steam boilers, and the construction and maintenance of floors, passages and stairs, shall apply to any part of the building used for the purposes of the factory but not comprised therein, and the owner of the building shall be responsible for any contravention of the said provisions and shall also be responsible, instead of the occupier of the factory, for any contravention as respects the factory of the provisions of Part I of this Act with respect to sanitary conveniences and the provisions of Part II of this Act with respect to hoists and lifts, steam boilers, means of escape in case of fire, and safety provisions in case of fire, and for the purposes of the last named provisions with respect to means of escape in case of fire and safety provisions in case of fire, the factory shall be deemed to include any part of the building used for the purpose of the factory:

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Provided that the owner shall be responsible for the cleanliness of sanitary conveniences only when used in common by several tenants, and shall be responsible for any contravention of the provisions relating to hoists and lifts, steam boilers, means of escape in case of fire, and safety provisions in case of fire, only in so far as the said provisions relate to matters within his control.