



# Factories Act 1937

1937 CHAPTER 67 1 Edw 8 and 1 Geo 6

## PART II

SAFETY (GENERAL PROVISIONS).

### 34 Means of escape in case of fire.

- (1) Every factory to which this section applies shall be certified by the district council as being provided with such means of escape in case of fire for the persons employed therein as may reasonably be required in the circumstances of each case and, if any premises with respect to which no such certificate is in force are used as a factory, the occupier shall be guilty of an offence and liable on conviction thereof to a fine not exceeding fifty pounds, and if the contravention in respect of which he was so convicted is continued after the conviction, he shall (subject to the provisions of section one hundred and thirty-two of this Act) be guilty of a further offence and liable in respect thereof to a fine not exceeding five pounds for each day on which the offence was so continued.

It shall be the duty of the council to examine every such factory and, on being satisfied that the factory is so provided as aforesaid, to give such a certificate accordingly. The certificate shall specify precisely and in detail the means of escape provided, and shall contain particulars as to the maximum number of persons employed or proposed to be employed in the factory as a whole and, if the council think fit, in any specified part thereof, and as to any explosive or highly inflammable material stored or used and as to other matters taken into account in granting the certificate. The certificate shall be attached by the occupier to the general register and a copy of it shall be sent by the council to the inspector for the district.

- (2) All means of escape specified in the certificate as aforesaid shall be properly maintained and kept free from obstruction.
- (3) A factory which has been furnished with a certificate in pursuance of subsection (1) of section fourteen of the Factory and Workshop Act, 1901, and a factory in respect of which a notice issued in pursuance of subsection (2) of that section has been complied with, or in respect of which an award has been made under subsection (3) of that

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section and has been complied with, shall be entitled to receive a certificate from the district council and, pending the receipt of the certificate, no offence shall be deemed to be committed by reason of the use of the factory while no certificate under this section is in force in respect thereto :

Provided that this subsection shall only apply to any such factory if and so long as the means of escape provided therein are properly maintained and shall not apply to any such factory if, since the certificate was furnished or the notice or award was complied with in pursuance of the said section fourteen, any action has been taken of which notice would, if this section had been in force and a certificate had been granted thereunder, have been required to be given to the council.

- (4) In the case of any factory constructed or converted for use as a factory before the coming into operation of this section (not being a factory to which the last foregoing subsection applies), no offence shall be deemed to be committed under this section by reason of the use of the factory during any period that may elapse between the coming into operation of this section and the grant or refusal of a certificate by the district council after examining the factory under this section, and if the council refuse to grant a certificate in respect of the factory unless alterations are made, no such offence shall be deemed to be committed while the alterations are being carried out in accordance with the requirements of the council.
- (5) If, after the grant of a certificate, it is proposed to make any material extension or material structural alteration of the factory premises or to increase materially the number of persons employed in the factory or in any part specified in the certificate, or to begin to store or use explosive or highly inflammable material in the factory or materially to increase the extent of such storage or use, the occupier shall give notice in writing to the council of the proposal.
- (6) If the council on receipt of the notice mentioned in the last foregoing subsection are of opinion that the conditions in regard to escape in case of fire will be affected, or if at any time they are satisfied that by reason of changed conditions the existing means of escape have become insufficient, they may by notice in writing require the occupier to make such alterations, within such period, as may be specified in the notice.
- (7) If it appears to an inspector that dangerous conditions in regard to escape in case of fire exist in any factory to which this section applies he may give notice thereof in writing to the district council, and it shall be the duty of the council forthwith to examine the factory, and they may by notice in writing require the occupier to make such alterations, within such period, as may be specified in the notice.
- (8) The occupier shall, within the period specified in any notice of the district council under this section, carry out any alterations required by the notice, and upon their being earned out the council shall amend the certificate or issue a new certificate, and shall send a copy of the amended or new certificate to the inspector for the district; and if the alterations are not so carried out, the council shall, without prejudice to the taking of other proceedings, cancel the certificate.
- (9) When notice is given by an inspector to a district council under this section, the council shall inform the inspector of any action taken for remedying the dangerous conditions, and, if no such action is taken by the council within one month of the receipt of the notice, the inspector may take the like action as the council might have taken and shall be entitled to recover from the district council summarily as a civil debt all such expenses as the inspector may incur in so doing, and as are not recovered from

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any other person, and are not expenses incurred in or about any unsuccessful legal proceedings.

- (10) If the occupier of any factory is aggrieved by the refusal of a district council to grant a certificate under this section or by being required by a district council or by an inspector under this section to carry out any alterations at the factory or by the cancellation of a certificate, he may appeal by way of complaint, within twenty-one days of the refusal, notice of requirement, or cancellation, to a court of summary jurisdiction, and, pending the final determination of the appeal, no offence shall be deemed to be committed under this section by reason that the premises to which the appeal relates are used as a factory without a certificate being in force with respect thereto; and the decision of the court shall be binding on the occupier and the council or inspector.
- (11) If it appears to an inspector that the conditions in regard to escape in case of fire in any factory to which this section applies are so dangerous that the factory or any part thereof ought not to be used, or ought not to be used for a particular process or work, until steps have been taken to remedy the danger, he may, in lieu of serving a notice on the district council under the foregoing provisions of this section, make a complaint to a court of summary jurisdiction, and the court may, on being satisfied of the matters aforesaid, by order prohibit the use of the factory or part thereof, or its use for the particular process or work, until such works have been executed as are in the opinion of the court necessary to remedy the danger.

When any works have been executed in pursuance of such an order as aforesaid, the inspector shall give notice thereof to the district council, who shall amend any certificate in force under this section in respect of the factory, or issue a new certificate, as the case may require.

- (12) An examination by a district council under this section shall only be carried out by officers of the council authorised in writing either to carry out that examination or generally to carry out examinations under this section.
- (13) This section applies to every factory—
- (a) in which more than twenty persons are employed; or
  - (b) which is being constructed or converted for use as a factory at the date of the passing of this Act, or is constructed or so converted after that date, and in which more than ten persons are employed in the same building on any floor above the ground floor of the building; or
  - (c) of which the construction has been completed before the passing of this Act and in which more than ten persons are employed in the same building above the first floor of the building or more than twenty feet above the ground level; or
  - (d) in or under which explosive or highly inflammable materials are stored or used.
- (14) In the application of this section to the administrative county of London—
- (a) the section shall have effect as if references to the London County Council were therein substituted for references to the district council; and
  - (b) any factory or part thereof forming part of a building from all parts of which means of escape in case of fire have been provided in accordance with the requirements of Part VIII of the London Building Act, 1930, and are maintained, shall be entitled to receive from the London County Council a certificate for the purposes of this section, and pending the receipt of the

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certificate, no offence shall be deemed to be committed by reason of the use of the factory while no certificate under this section is in force with respect thereto :

Provided that this paragraph shall not apply to any such factory or part thereof if, since the means of escape were provided, any action has been taken of which notice would, if this section had been in force and a certificate had been granted thereunder, have been required to be given to the council.