



Factories Act 1937

1937 CHAPTER 67 1 Edw 8 and 1 Geo 6

PART II

SAFETY (GENERAL PROVISIONS).

39 Power of court of summary jurisdiction to make orders as to dangerous conditions and practices.

- (1) If on complaint by an inspector a court of summary jurisdiction is satisfied either—
- (a) that any part of the ways, works, machinery, or plant used in a factory is in such a condition or is so constructed or is so placed that it cannot be used without risk of bodily injury ; or
 - (b) that any process or work is carried on or anything is or has been done in any factory in such a manner as to cause risk of bodily injury;
- the court shall, as the case may require, by order—
- (i) prohibit the use of that part of the ways, works, machinery or plant, or, if it is capable of repair or alteration, prohibit its use until it is duly repaired or altered; or
 - (ii) require the occupier to take such steps as may be specified in the order for remedying the danger complained of.
- (2) Where a complaint is or has been made under the last foregoing subsection, the court or a justice may, on application ex parte by the inspector, and on receiving evidence that the use of any such part of the ways, works, machinery, or plant, or, as the case may be, the carrying on of any process or work or the doing of anything in such a manner as aforesaid, involves imminent risk of serious bodily injury, make an interim order prohibiting, either absolutely or subject to conditions, the use, carrying on or doing thereof until the earliest opportunity for hearing and determining the complaint.