



Factories Act 1937

1937 CHAPTER 67 1 Edw 8 and 1 Geo 6

PART IV

HEALTH, SAFETY AND WELFARE (SPECIAL PROVISIONS AND REGULATIONS).

Special Provisions.

53 Underground rooms.

- (1) No work shall be carried on in any underground room (not being an underground room used only for the purpose of storage or for some purpose excepted by order of the Secretary of State) which is certified by the inspector for the district to be unsuitable for the purpose as regards construction, height, light or ventilation, or on any hygienic ground, or on the ground that adequate means of escape in case of fire are not provided:

Provided that, where the inspector certifies as unsuitable any room which is in actual use, he shall suspend the operation of the certificate for such period as he considers reasonable with a view to enabling the occupier to render the room suitable or to obtain other premises.

- (2) In the case of any underground room which at the commencement of this Act does not form part of a factory or is not used as a workroom in a factory or is used only for the purpose of storage or for some purpose excepted as aforesaid—
- (a) the occupier shall, before the room is used for work for which it may be certified as unsuitable under this section, give notice in the prescribed form and containing the prescribed particulars to the inspector for the district; and
 - (b) shall not use the room for any such process as may be prescribed, being a process of a hot, wet, or dusty nature, or which is liable to give off any fume, without the consent in writing of the inspector for the district.
- (3) If the occupier is aggrieved by any decision of an inspector under this section, he may, within twenty-one days of the date of issue of the certificate or the refusal of the consent, as the case may be, appeal by way of complaint to a court of summary jurisdiction, and, pending the final determination of an appeal against a decision under

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subsection (1) of this section in the case of a room in actual use, no offence shall be deemed to be committed under that subsection in respect of the room to which the appeal relates, and the decision of the court shall in all cases be binding on the occupier and the inspector.

- (4) In this section the expression “underground room ” means any room which or any part of which is so situate that half or more than half the whole height thereof, measured from the floor to the ceiling, is below the surface of the footway of the adjoining street or of the ground adjoining or nearest to the room.
- (5) Any certificate issued under this section may be withdrawn by the inspector for the district if such alterations are made as in his opinion to render the room suitable.