



# Factories Act 1961

## 1961 CHAPTER 34

### PART II

#### SAFETY (GENERAL PROVISIONS)

#### 12 Prime movers

- (1) Every flywheel directly connected to any prime mover and every moving part of any prime mover, except such prime movers as are mentioned in subsection (3) of this section, shall be securely fenced, whether the flywheel or prime mover is situated in an engine-house or not.
- (2) The head and tail race of every water wheel and of every water turbine shall be securely fenced.
- (3) Every part of electric generators, motors and rotary converters, and every flywheel directly connected thereto, shall be securely fenced unless it is in such a position or of such construction as to be as safe to every person employed or working on the premises as it would be if securely fenced.

#### 13 Transmission machinery

- (1) Every part of the transmission machinery shall be securely fenced unless it is in such a position or of such construction as to be as safe to every person employed or working on the premises as it would be if securely fenced.
- (2) Efficient devices or appliances shall be provided and maintained in every room or place where work is carried on by which the power can promptly be cut off from the transmission machinery in that room or place.
- (3) No driving belt when not in use shall be allowed to rest or ride upon a revolving shaft which forms part of the transmission machinery.
- (4) Suitable striking gear or other efficient mechanical appliances shall be provided and maintained and used to move driving belts to and from fast and loose pulleys which form part of the transmission machinery, and any such gear or appliances shall be so

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constructed, placed and maintained as to prevent the driving belt from creeping back on to the fast pulley.

- (5) Where the Minister is satisfied that owing to special circumstances the fulfilment of any of the requirements of subsections (2) to (4) of this section is unnecessary or impracticable, he may by order direct that that requirement shall not apply in those circumstances.

#### **14 Other machinery**

- (1) Every dangerous part of any machinery, other than prime movers and transmission machinery, shall be securely fenced unless it is in such a position or of such construction as to be as safe to every person employed or working on the premises as it would be if securely fenced.
- (2) In so far as the safety of a dangerous part of any machinery cannot by reason of the nature of the operation be secured by means of a fixed guard, the requirements of subsection (1) of this section shall be deemed to have been complied with if a device is provided which automatically prevents the operator from coming into contact with that part.
- (3) Where the Minister is satisfied that there is available and suitable for use in connection with machinery of any class any type or description of safety device which—
- (a) prevents the exposure of a dangerous part of machinery whilst in motion; or
  - (b) stops a machine forthwith in case of danger;
- he may make regulations directing that the type or description of device shall be provided for use in connection with such class of machinery as may be specified in the regulations.
- (4) In any proceedings in respect of a contravention of subsection (3) of this section it shall be a sufficient defence to prove that a device at least equally effective was being used in connection with the machinery in respect of which the contravention occurred.
- (5) Any part of a stock-bar which projects beyond the head-stock of a lathe shall be securely fenced unless it is in such a position as to be as safe to every person employed or working on the premises as it would be if securely fenced.
- (6) The Minister may, as respects any machine or any process in which a machine is used, make regulations requiring the fencing of materials or articles which are dangerous while in motion in the machine.

#### **15 Provisions as to unfenced machinery**

- (1) In determining, for the purposes of the foregoing provisions of this Part of this Act, whether any part of machinery is in such a position or of such construction as to be as safe to every person employed or working on the premises as it would be if securely fenced, the following paragraphs shall apply in a case where this section applies, that is to say—
- (a) no account shall be taken of any person carrying out, while the part of machinery is in motion, an examination thereof or any lubrication or adjustment shown by the examination to be immediately necessary, if the examination, lubrication or adjustment can only be carried out while the part of machinery is in motion; and

- (b) in the case of any part of transmission machinery used in any such process as may be specified in regulations made by the Minister, being a process where owing to the continuous nature thereof the stopping of that part would seriously interfere with the carrying on of the process, no account shall be taken of any person carrying out, by such methods and in such circumstances as may be specified in the regulations, any lubrication or any mounting or shipping of belts.
- (2) This section only applies where the examination, lubrication or other operation is carried out by such male persons who have attained the age of eighteen as may be specified in regulations made by the Minister, and all such other conditions as may be so specified are complied with.

## **16 Construction and maintenance of fencing**

All fencing or other safeguards provided in pursuance of the foregoing provisions of this Part of this Act shall be of substantial construction, and constantly maintained and kept in position while the parts required to be fenced or safeguarded are in motion or use, except when any such parts are necessarily exposed for examination and for any lubrication or adjustment shown by the examination to be immediately necessary, and all such conditions as may be specified in regulations made by the Minister are complied with.

## **17 Construction and sale of machinery**

- (1) In the case of any machine in a factory which is a machine intended to be driven by mechanical power—
- (a) every set-screw, bolt or key on any revolving shaft, spindle, wheel or pinion shall be so sunk, encased or otherwise effectively guarded as to prevent danger; and
  - (b) all spur and other toothed or friction gearing, which does not require frequent adjustment while in motion, shall be completely encased unless it is so situated as to be as safe as it would be if completely encased.
- (2) Any person who sells or lets on hire, or as agent of the seller or hirer causes or procures to be sold or let on hire, for use in a factory in the United Kingdom any machine intended to be driven by mechanical power which does not comply with the requirements of this section shall be guilty of an offence and liable to a fine not exceeding two hundred pounds.
- (3) The Minister may by regulations extend the provisions of subsection (2) of this section to machinery or plant which does not comply with such requirements of this Act or of any regulation made thereunder as may be specified in the regulations, and any regulations made under this subsection may relate to machinery or plant in a specified process.
- (4) An offence under subsection (2) or subsection (3) of this section shall, where necessary for the purpose of conferring jurisdiction on any court to entertain proceedings for the offence, be deemed to have been committed in the place where the machine or, as the case may be, the machinery or plant, is for the time being.
- (5) Proceedings for such an Offence may be commenced at any time within the period of six months from the date on which evidence, sufficient in the opinion of the Minister to justify a prosecution for the offence, comes to his knowledge; and for the purposes

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of this subsection, a certificate, purporting to be signed by or on behalf of the Minister, as to the date on which such evidence came to his knowledge shall be conclusive evidence thereof.

- (6) Nothing in this section applies to any machine constructed before the thirtieth day of July, nineteen hundred and thirty-seven, and regulations under subsection (3) of this section shall not apply to any machinery or plant constructed before the making of the regulations.

## **18 Dangerous substances**

- (1) Every fixed vessel, structure, sump or pit of which the edge is less than three feet above the highest ground or platform from which a person might fall into it shall, if it contains any scalding, corrosive or poisonous liquid, either be securely covered or be securely fenced to at least three feet above that ground or platform, or where by reason of the nature of the work neither secure covering nor secure fencing to that height is practicable, all practicable steps shall be taken by covering, fencing or other means to prevent any person from falling into the vessel, structure, sump or pit.
- (2) Where any fixed vessel, structure, sump or pit contains any scalding, corrosive or poisonous liquid but is not securely covered, no ladder, stair or gangway shall be placed above, across or inside it which is not—
- (a) at least eighteen inches wide, and
  - (b) securely fenced on both sides to a height of at least three feet and securely fixed.
- (3) Where any such vessels, structures, sumps or pits as are mentioned in subsection (2) of this section adjoin, and the space between them, clear of any surrounding brick or other work, is less than eighteen inches in width or is not securely fenced on both sides to a height of at least three feet, secure barriers shall be so placed as to prevent passage between them.
- (4) For the purposes of this section a ladder, stair or gangway shall not be deemed to be securely fenced unless it is provided either with sheet fencing or with an upper and a lower rail and toe boards.
- (5) The Minister may by regulations extend any of the provisions of this section so as to make them applicable—
- (a) to a vessel or structure which is not fixed ; or
  - (b) to a vessel, structure, sump or pit containing a substance which is not a liquid; and in relation to any substance which is not a liquid the expression " scalding ", in a provision extended under paragraph (b) of this subsection, shall be taken to mean likely to cause burns.
- (6) The Minister may by order exempt from the requirements of this section any class of vessel, structure, sump or pit in the case of which he is satisfied that the requirements are unnecessary or inappropriate.

## **19 Self-acting machines**

- (1) In any factory or part of a factory to which this subsection applies no traversing part of any self-acting machine and no material carried thereon shall, if the space over which it runs is a space over which any person is liable to pass, whether in the course of his employment or otherwise, be allowed on its outward or inward traverse to run within a

distance of eighteen inches from any fixed structure which is not part of the machine; but nothing in this subsection shall prevent any portion of the traversing carriage of any self-acting spinning mule being allowed to run to a point twelve inches distant from any part of the head stock of another such machine.

- (2) Subsection (1) of this section applies—
- (a) to any factory erected after the thirty-first day of December, eighteen hundred and ninety-five; and
  - (b) to any factory or part of a factory reconstructed after the thirtieth day of July, nineteen hundred and thirty-seven ; and
  - (c) to any extension of or addition to a factory made after the said thirtieth day of July.
- (3) All practicable steps shall be taken by instructions to the person in charge of the machine and otherwise to ensure that no person employed shall be in the space between any traversing part of a self-acting spinning mule and any fixed part of the machine towards which the traversing part moves on the inward run, except when the machine is stopped with the traversing part on the outward run.

## **20 Cleaning of machinery by women and young persons**

A woman or young person shall not clean any part of a prime mover or of any transmission machinery while the prime mover or transmission machinery is in motion, and shall not clean any part of any machine if the cleaning thereof would expose the woman or young person to risk of injury from any moving part either of that machine or of any adjacent machinery.

## **21 Training and supervision of young persons working at dangerous machines**

- (1) No young person shall work at any machine to which this section applies, unless he has been fully instructed as to the dangers arising in connection with it and the precautions to be observed, and-
- (a) has received a sufficient training in work at the machine ; or
  - (b) is under adequate supervision by a person who has a thorough knowledge and experience of the machine.
- (2) This section applies to such machines as may be prescribed by the Minister, being machines which in his opinion are of such a dangerous character that young persons ought not to work at them unless the foregoing requirements are complied with.

## **22 Hoists and lifts-general**

- (1) Every hoist or lift shall be of good mechanical construction, sound material and adequate strength, and shall be properly maintained.
- (2) Every hoist or lift shall be thoroughly examined by a competent person at least once in every period of six months and a report of the result of every such examination in the prescribed form and containing the prescribed particulars shall be signed by the person making the examination and shall within twenty-eight days be entered in or attached to the general register.
- (3) Where the examination shows that the hoist or lift cannot continue to be used with safety unless certain repairs are carried out immediately or within a specified time,

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the person making the report shall within twenty-eight days of the completion of the examination send a copy of the report to the inspector for the district.

- (4) Every hoistway or liftway shall be efficiently protected by a substantial enclosure fitted with gates, and the enclosure shall be such as to prevent, when the gates are shut, any person falling down the way or coming into contact with any moving part of the hoist or lift.
- (5) Any such gate shall, subject to subsection (6) of this section and to section twenty-five of this Act, be fitted with efficient interlocking or other devices to secure that the gate cannot be opened except when the cage or platform is at the landing and that the cage or platform cannot be moved away from the landing until the gate is closed.
- (6) If in the case of a hoist or lift constructed or reconstructed before the thirtieth day of July, nineteen hundred and thirty-seven, it is not reasonably practicable to fit it with such devices as are mentioned in subsection (5) of this section, it shall be sufficient if the gate—
  - (a) is provided with such arrangements as will secure the objects of that subsection so far as is reasonably practicable, and
  - (b) is kept closed and fastened except when the cage or platform is at rest at the landing.
- (7) Every hoist or lift and every such enclosure as is mentioned in subsection (4) of this section shall be so constructed as to prevent any part of any person or any goods carried in the hoist or lift from being trapped between any part of the hoist or lift and any fixed structure or between the counterbalance weight and any other moving part of the hoist or lift.
- (8) There shall be marked conspicuously on every hoist or lift the maximum working load which it can safely carry, and no load greater than that load shall be carried on any hoist or lift.

## **23 Hoists and lifts used for carrying persons**

- (1) The following additional requirements shall apply to hoists and lifts used for carrying persons, whether together with goods or otherwise:—
  - (a) efficient automatic devices shall be provided and maintained to prevent the cage or platform overrunning;
  - (b) every cage shall on each side from which access is afforded to a landing be fitted with a gate, and in connection with every such gate efficient devices shall be provided to secure that, when persons or goods are in the cage, the cage cannot be raised or lowered unless the gate is closed, and will come to rest when the gate is opened.
- (2) In the case of a hoist or lift constructed or reconstructed before the thirtieth day of July, nineteen hundred and thirty-seven, in connection with which it is not reasonably practicable to provide such devices as are mentioned in paragraph (b) of subsection (1) of this section it shall be sufficient if—
  - (a) such arrangements are provided as will secure the objects of that paragraph so far as is reasonably practicable ; and
  - (b) the gate is kept closed and fastened except when the cage is at rest or empty.
- (3) In the case of a hoist or lift used as mentioned in subsection (1) of this section which was constructed or reconstructed after the twenty-ninth day of July, nineteen

hundred and thirty-seven, where the platform or cage is suspended by rope or chain, there shall be at least two ropes or chains separately connected with the platform or cage, each rope or chain and its attachments being capable of carrying the whole weight of the platform or cage and its maximum working load, and efficient devices shall be provided and maintained which will support the platform or cage with its maximum working load in the event of a breakage of the ropes or chains or any of their attachments.

## **24 Teagle openings and similar doorways**

- (1) Every teagle opening or similar doorway used for hoisting or lowering goods or materials, whether by mechanical power or otherwise, shall be securely fenced and shall be provided with a secure hand-hold on each side.
- (2) The fencing shall be properly maintained and shall, except when the hoisting or lowering of goods or materials is being carried on at the opening or doorway, be kept in position.

## **25 Exceptions and provisions supplementary to ss.22-24**

- (1) For the purposes of sections twenty-two and twenty-three of this Act, no lifting machine or appliance shall be deemed to be a hoist or lift unless it has a platform or cage the direction of movement of which is restricted by a guide or guides.
- (2) Subsections (3) to (8) of section twenty-two and section twenty-three of this Act shall not apply in the case of a continuous hoist or lift, and in such a case subsection (2) of the said section twenty-two shall have effect as if for the reference to six months there were substituted a reference to twelve months.
- (3) Subsections (5) and (6) of the said section twenty-two and the said section twenty-three shall not apply in the case of a hoist or lift not connected with mechanical power; and in such a case—
  - (a) subsection (2) of the said section twenty-two shall have effect as if for the reference to six months there were substituted a reference to twelve months; and
  - (b) any gates to be fitted under subsection (4) of the said section twenty-two shall be kept closed and fastened except when the cage or platform is at rest at the landing.
- (4) If it is shown to the satisfaction of the Minister that it would be unreasonable in the special circumstances of the case to enforce any requirement of sections twenty-two) to twenty-four of this Act or of subsection (3) of this section in respect of any class or description of hoist, lift, hoistway, liftway or teagle opening or similar doorway, he may by order direct that the requirement shall not apply as respects that class or description.

## **26 Chains, ropes and lifting tackle**

- (1) The following provisions shall be complied with as respects every chain, rope or lifting tackle used for the purpose of raising or lowering persons, goods or materials:—
  - (a) no chain, rope or lifting tackle shall be used unless it is of good construction, sound material, adequate strength and free from patent defect;

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- (b) subject to subsection (2) of this section, a table showing the safe working loads of every kind and size of chain, rope or lifting tackle in use, and, in the case of a multiple sling, the safe working load at different angles of the legs, shall be posted in the store in which the chains, ropes or lifting tackle are kept, and in prominent positions on the premises, and no chain, rope or lifting tackle not shown in the table shall be used;
  - (c) no chain, rope or lifting tackle shall be used for any load exceeding its safe working load as shown by the table mentioned in paragraph (b) of this subsection or marked as mentioned in subsection (2) of this section ;
  - (d) all chains, ropes and lifting tackle in use shall be thoroughly examined by a competent person at least once in every period of six months or at such greater intervals as the Minister may prescribe;
  - (e) no chain, rope or lifting tackle, except a fibre rope or fibre rope sling, shall be taken into use in any factory for the first time in that factory unless it has been tested and thoroughly examined by a competent person and a certificate of the test and examination specifying the safe working load and signed by the person making the test and examination has been obtained and is kept available for inspection;
  - (f) every chain and lifting tackle except a rope sling shall, unless of a class or description exempted by certificate of the chief inspector upon the ground that it is made of such material or so constructed that it cannot be subjected to heat treatment without risk of damage or that it has been subjected to some form of heat treatment (other than annealing) approved by him, be annealed at least once in every fourteen months or, in the case of chains or slings of half-inch bar or smaller, or chains used in connection with molten metal or molten slag, in every six months, except that chains and lifting tackle not in regular use need be annealed only when necessary;
  - (g) a register containing the prescribed particulars shall be kept in respect of all such chains, ropes, or lifting tackle, except fibre rope slings.
- (2) Paragraph (b) of subsection (1) of this section shall not apply in relation to any lifting tackle if its safe working load or, in the case of a multiple sling, the safe working load at different angles of the legs is plainly marked upon it.
- (3) In this section " lifting tackle " means chain slings, rope slings, rings, hooks, shackles and swivels.

## **27 Cranes and other lifting machines**

- (1) All parts and working gear, whether fixed or moveable, including the anchoring and fixing appliances, of every lifting machine shall be of good construction, sound material, adequate strength and free from patent defect, and shall be properly maintained.
- (2) All such parts and gear shall be thoroughly examined by a competent person at least once in every period of fourteen months and a register shall be kept containing the prescribed particulars of every such examination; and where the examination shows that the lifting machine cannot continue to be used with safety unless certain repairs are carried out immediately or within a specified time, the person making the report of the examination shall within twenty-eight days of the completion of the examination send a copy of the report to the inspector for the district.



- (3) All rails on which a travelling crane moves and every track on which the carriage of a transporter or runway moves shall be of proper size and adequate strength and have an even running surface; and any such rails or track shall be properly laid, adequately supported or suspended and properly maintained.
- (4) There shall be plainly marked on every lifting machine its safe working load or loads, except that in the case of a jib crane so constructed that the safe working load may be varied by the raising or lowering of the jib, there shall be attached thereto either an automatic indicator of safe working loads or a table indicating the safe working loads at corresponding inclinations of the jib or corresponding radii of the load.
- (5) No lifting machine shall, except for the purpose of a test, be loaded beyond the safe working load as marked or indicated under subsection (4) of this section.
- (6) No lifting machine shall be taken into use in any factory for the first time in that factory unless it has been tested and all such parts and working gear of the machine as are specified in subsection (1) of this section have been thoroughly examined by a competent person and a certificate of the test and examination specifying the safe working load or loads of the machine and signed by the person making the test and examination has been obtained and is kept available for inspection.
- (7) If any person is employed or working on or near the wheel-track of an overhead travelling crane in any place where he would be liable to be struck by the crane, effective measures shall be taken by warning the driver of the crane or otherwise to ensure that the crane does not approach within twenty feet of that place.
- (8) If any person is employed or working otherwise than mentioned in subsection (7) of this section but in a place above floor level where he would be liable to be struck by an overhead travelling crane, or by any load carried by such a crane, effective measures shall be taken to warn him of the approach of the crane, unless his work is so connected with or dependent on the movements of the crane as to make a warning unnecessary.
- (9) In this section "lifting machine" means a crane, crab, winch, teagle, pulley block, gin wheel, transporter or runway.

## **28 Floors, passages and stairs**

- (1) All floors, steps, stairs, passages and gangways shall be of sound construction and properly maintained and shall, so far as is reasonably practicable, be kept free from any obstruction and from any substance likely to cause persons to slip.
- (2) For every staircase in a building or affording a means of exit from a building, a substantial hand-rail shall be provided and maintained, which, if the staircase has an open side, shall be on that side, and in the case of a staircase having two open sides or of a staircase which, owing to the nature of its construction or the condition of the surface of the steps or other special circumstances, is specially liable to cause accidents, such a hand-rail shall be provided and maintained on both sides.
- (3) Any open side of a staircase shall also be guarded by the provision and maintenance of a lower rail or other effective means.
- (4) All openings in floors shall be securely fenced, except in so far as the nature of the work renders such fencing impracticable.
- (5) All ladders shall be soundly constructed and properly maintained.

**29 Safe means of access and safe place of employment**

- (1) There shall, so far as is reasonably practicable, be provided and maintained safe means of access to every place at which any person has at any time to work, and every such place shall, so far as is reasonably practicable, be made and kept safe for any person working there.
- (2) Where any person has to work at a place from which he will be liable to fall a distance more than six feet six inches, then, unless the place is one which affords secure foothold and, where necessary, secure hand-hold, means shall be provided, so far as is reasonably practicable, by fencing or otherwise, for ensuring his safety.

**30 Dangerous fumes and lack of oxygen**

- (1) The provisions of subsections (2) to (8) of this section shall have effect where work in any factory has to be done inside any chamber, tank, vat, pit, pipe, flue or similar confined space, in which dangerous fumes are liable to be present to such an extent as to involve risk of persons being overcome thereby.
- (2) The confined space shall, unless there is other adequate means of egress, be provided with a manhole, which may be rectangular, oval or circular in shape, and shall be not less than eighteen inches long and sixteen inches wide or (if circular) not less than eighteen inches in diameter, or in the case of tank wagons and other mobile plant, not less than sixteen inches long and fourteen inches wide or (if circular) not less than sixteen inches in diameter.
- (3) Subject to subsection (4) of this section, no person shall enter or remain in the confined space for any purpose unless he is wearing a suitable breathing apparatus and has been authorised to enter by a responsible person, and, where practicable, he is wearing a belt with a rope securely attached and a person keeping watch outside and capable of pulling him out is holding the free end of the rope.
- (4) Where the confined space has been certified by a responsible person as being, for a specified period, safe for entry without breathing apparatus and the period so specified has not expired, subsection (3) of this section shall not apply, but no person shall enter or remain in the space unless he has been warned when that period will expire.
- (5) A confined space shall not be certified under subsection (4) of this section unless—
  - (a) effective steps have been taken to prevent any ingress of dangerous fumes; and
  - (b) any sludge or other deposit liable to give off dangerous fumes has been removed and the space contains no other material liable to give off dangerous fumes; and
  - (c) the space has been adequately ventilated and tested for dangerous fumes and has a supply of air adequate for respiration;but no account shall be taken for the purposes of paragraph (b) of this subsection of any deposit or other material liable to give off dangerous fumes in insignificant quantities only.
- (6) There shall be provided and kept readily available a sufficient supply of breathing apparatus of a type approved by the chief inspector, of belts and ropes, and of suitable reviving apparatus and oxygen, and the apparatus, belts and ropes shall be maintained and shall be thoroughly examined, at least once a month or at such other intervals as may be prescribed, by a competent person; and a report on every

such examination, signed by the person making the examination and containing the prescribed particulars, shall be kept available for inspection.

- (7) A sufficient number of the persons employed shall be trained and practised in the use of the apparatus mentioned in subsection (6) of this section and in a method of restoring respiration.
- (8) The chief inspector may by certificate grant, subject to any conditions specified in the certificate, exemption from compliance with any of the requirements of the foregoing provisions of this section in any case where he is satisfied that compliance with those requirements is unnecessary or impracticable.
- (9) No person shall enter or remain in any confined space in which the proportion of oxygen in the air is liable to have been substantially reduced unless either—
  - (a) he is wearing a suitable breathing apparatus; or
  - (b) the space has been and remains adequately ventilated and a responsible person has tested and certified it as safe for entry without breathing apparatus.
- (10) No work shall be permitted in any boiler-furnace or boiler-flue until it has been sufficiently cooled by ventilation or otherwise to make work safe for the persons employed.

### **31 Precautions with respect to explosive or inflammable dust, gas vapour or substance**

- (1) Where, in connection with any grinding, sieving, or other process giving rise to dust, there may escape dust of such a character and to such an extent as to be liable to explode on ignition, all practicable steps shall be taken to prevent such an explosion by enclosure of the plant used in the process, and by removal or prevention of accumulation of any dust that may escape in spite of the enclosure, and by exclusion or effective enclosure of possible sources of ignition.
- (2) Where there is present in any plant used in any such process as aforesaid dust of such a character and to such an extent as to be liable to explode on ignition, then, unless the plant is so constructed as to withstand the pressure likely to be produced by any such explosion, all practicable steps shall be taken to (restrict the spread and effects of such an explosion by the provision, in connection with the plant, of chokes, baffles and vents, or other equally effective appliances.
- (3) Where any part of a plant contains any explosive or inflammable gas or vapour under pressure greater than atmospheric pressure, that part shall not be opened, except in accordance with the following provisions:—
  - (a) before the fastening of any joint of any pipe connected with the part of the plant or the fastening of the cover of any opening into the part is loosened, any flow of the gas or vapour into the part or into any such pipe shall be effectively stopped by a stop-valve or otherwise;
  - (b) before any such fastening is removed, all practicable steps shall be taken to reduce the pressure of the gas or vapour in the pipe or part of the plant to atmospheric pressure;

and if any such fastening has been loosened or removed, no explosive or inflammable gas or vapour shall be allowed to enter the pipe or part of the plant until the fastening has been secured or, as the case may be, securely replaced; but nothing in this subsection applies to a plant installed in the open air.

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- (4) No plant, tank or vessel which contains or has contained any explosive or inflammable substance shall be subjected—
- (a) to any welding, brazing or soldering operation;
  - (b) to any cutting operation which involves the application of heat; or
  - (c) to any operation involving the application of heat for the purpose of taking apart or removing the plant, tank or vessel or any part of it;
- until all practicable steps have been taken to remove the substance and any fumes arising from it, or to render them non-explosive or non-inflammable; and if any plant, tank or vessel has been subjected to any such operation, no explosive or inflammable substance shall be allowed to enter the plant, tank or vessel until the metal has cooled sufficiently to prevent any risk of igniting the substance.
- (5) The chief inspector may by certificate grant, subject to any conditions specified in the certificate, exemption from compliance with any of the requirements of subsections (3) and (4) of this section in any case where he is satisfied that compliance with the requirement is unnecessary or impracticable.

### **32 Steam boilers-attachments and construction**

- (1) Subject to subsection (3) of this section, every steam boiler, whether separate or one of a range.—
- (a) shall have attached to it the devices mentioned in subsection (2) of this section;
  - (b) shall be provided with means for attaching a test pressure gauge; and
  - (c) shall, unless externally fired, be provided with a suitable fusible plug or an efficient low-water alarm device.
- (2) The devices referred to in subsection (1) of this section are—
- (a) a suitable safety valve, separate from any stop-valve, which shall be so adjusted as to prevent the boiler being worked at a pressure greater than the maximum permissible working pressure and shall be fixed directly to, or as close as practicable to, the boiler ;
  - (b) a suitable stop-valve connecting the boiler to the steam pipe;
  - (c) a correct steam pressure gauge connected to the steam space and easily visible by the boiler attendant, which shall indicate the pressure of steam in the boiler in pounds per square inch, and have marked on it in a distinctive colour the maximum permissible working pressure;
  - (d) at least one water gauge of transparent material or other type approved by the chief inspector to show the water level in the boiler, together, if the gauge is of the glass tubular type and the working pressure of the boiler normally exceeds forty pounds per square inch, with an efficient guard provided so as not to obstruct the reading of the gauge ;
  - (e) where the boiler is one of two or more boilers, a plate bearing a distinctive number which shall be easily visible.
- (3) Paragraph (b) of subsection (2) of this section shall not apply with respect to economisers, and paragraphs (c), (d) and (e) of that subsection and paragraphs (b) and (c) of subsection (1) of this section shall not apply with respect to either economisers or superheaters.

- (4) For the purposes of the foregoing provisions of this section, a lever-valve shall not be deemed a suitable safety valve unless the weight is secured on the lever in the correct position.
- (5) Every part of every steam boiler shall be of good construction, sound material and adequate strength, and free from patent defect.

### **33 Steam boilers-maintenance, examination and use**

- (1) Every steam boiler and all its fittings and attachments shall be properly maintained.
- (2) A steam boiler shall not be used in any factory unless it has been examined, together with its fittings and attachments, in such manner as the Minister may by special regulations prescribe and no greater period than may be so prescribed has elapsed since the examination, but the regulations may provide for extending in special circumstances the time during which a boiler which has been examined as required by the regulations may be used in a factory without being again so examined.
- (3) The Minister may by special regulations prescribe the manner in which a steam boiler, together with its fittings and attachments, is to be examined after any such repairs as may be specified in the regulations; and where such repairs are carried out to a steam boiler after it has been examined under subsection (2) of this section, then, notwithstanding that the period prescribed under that subsection has not expired, the steam boiler shall not be used in any factory until the examination prescribed under this subsection has been made.
- (4) A report of the result of every examination under this section in the prescribed form and containing the prescribed particulars (including the maximum permissible working pressure) shall as soon as practicable and in any case within twenty-eight days, or such other period as the Minister may by special regulations prescribe, after the completion of the examination, be entered in or attached to the general register, and the report shall be signed by the person making the examination, and if that person is an inspector of a boiler-inspecting company or association, countersigned by the chief engineer of the company or association or by such other responsible officer of the company or association as may be authorised in writing in that behalf by the chief engineer.
- (5) No new steam boiler shall be taken into use unless there has been obtained from the manufacturer of the boiler, or from a boiler-inspecting company or association, a certificate specifying its maximum permissible working pressure, and stating the nature of the tests to which the boiler and fittings have been submitted, and the certificate is kept available for inspection, and the boiler is so marked as to enable it to be identified as the boiler to which the certificate relates.
- (6) Where the report of any examination under this section specifies conditions for securing the safe working of a steam boiler, the boiler shall not be used except in accordance with those conditions.
- (7) The person making the report of an examination under this section or, in the case of a boiler-inspecting company or association, the chief engineer thereof, shall within twenty-eight days, or such other period as the Minister may by special regulations prescribe, after the completion of the examination send to the inspector for the district a copy of the report in every case where the maximum permissible working pressure

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is reduced, or the examination shows that the boiler cannot continue to be used with safety unless certain repairs are carried out immediately or within a specified time.

- (8) If the person employed to make any such examination fails to make a thorough examination as required by this section or makes a report which is false or deficient in any material particular, or if the chief engineer of any boiler-inspecting company or association permits any such report to be made, he shall be guilty of an offence and liable to a fine not exceeding one hundred pounds, and if any such person or chief engineer fails to send to the inspector for the district a copy of any report as required by subsection (7) of this section, he shall be guilty of an offence.
- (9) If the chief inspector is not satisfied as to the competency of the person employed to make the examination or as to the thoroughness of the examination, he may require the boiler to be re-examined by a person nominated by him, and the occupier shall give the necessary facilities for the re-examination.
- (10) If as a result of the re-examination it appears that the report of the examination was inadequate or inaccurate in any material particular, the cost of the re-examination shall be recoverable from the occupier, and the report of the re-examination purporting to be signed by the person making it shall be admissible in evidence of the facts stated therein.
- (11) Any sum recoverable under subsection (10) of this section shall, in England and Wales, be recoverable summarily as a civil debt.

### **34 Steam boilers-restrictions on entry**

No person shall enter or be in any steam boiler which is one of a range of two or more steam boilers unless

- (a) all inlets through which steam or hot water might other wise enter the boiler from any other part of the range are disconnected from that part; or
- (b) all valves or taps controlling the entry of steam or hot water are closed and securely locked, and, where the boiler has a blow-off pipe in common with one or more other boilers or delivering into a common blow-off vessel or sump, the blow-off valve or tap on each such boiler is so constructed that it can only be opened by a key which cannot be removed until the valve or tap is closed and is the only key in use for that set of blow-off valves or taps.

### **35 Steam receivers and steam containers**

- (1) Every steam receiver, not so constructed and maintained as to withstand with safety the maximum permissible working pressure of the boiler or the maximum pressure which can be obtained in the pipe connecting the receiver with any other source of supply, shall be fitted with—
  - (a) a suitable reducing valve or other suitable automatic appliance to prevent the safe working pressure being exceeded; and
  - (b) a suitable safety valve so adjusted as to permit the steam to escape as soon as the safe working pressure is exceeded, or a suitable appliance for cutting off automatically the supply of steam as soon as the safe working pressure is exceeded; and
  - (c) a correct steam pressure gauge, which must indicate the pressure of steam in the receiver in pounds per square inch; and
  - (d) a suitable stop valve ; and

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- (e) except where only one steam receiver is in use, a plate bearing a distinctive number which shall be easily visible.
- (2) The safety valve and pressure gauge shall be fitted either on the steam receiver or on the supply pipe between the receiver and the reducing valve or other appliance to prevent the safe working pressure being exceeded.
- (3) Where any set of receivers is supplied with steam through a single pipe and the reducing valve or other appliance required by paragraph (a) of subsection (1) of this section is fitted on that pipe, the set shall be treated as one receiver for the purposes of paragraphs (a) to (c) of subsection (1) and for the purposes of subsection (2) of this section, and if the set forms part of a single machine, also for the purposes of paragraph (d) of the said subsection (1).
- (4) Every part of every steam receiver shall be of good construction, sound material, adequate strength and free from patent defect.
- (5) Every steam receiver and its fittings shall be properly maintained, and shall be thoroughly examined by a competent person, so far as the construction of the receiver permits, at least once in every period of twenty-six months.
- (6) A report of the result of every such examination containing the prescribed particulars (including particulars of the safe working pressure) shall be entered in or attached to the general register.
- (7) Every steam container shall be so maintained as to secure that the outlet is at all times kept open and free from obstruction.
- (8) In this section—
  - " safe working pressure " means, in the case of a new steam receiver, that specified by the maker, and in the case of a steam receiver which has been examined in accordance with the provisions of this section, that specified in the report of the last examination;
  - " steam receiver " means any vessel or apparatus (other than a steam boiler, steam container, a steam pipe or coil, or a part of a prime mover) used for containing steam under pressure greater than atmospheric pressure;
  - " steam container " means any vessel (other than a steam pipe or coil) constructed with a permanent outlet into the atmosphere or into a space where the pressure does not exceed atmospheric pressure, and through which steam is passed at atmospheric pressure or at approximately that pressure for the purpose of heating, boiling, drying, evaporating or other similar purpose.

### **36 Air receivers**

- (1) Every air receiver—
  - (a) shall have marked on it so as to be plainly visible the safe working pressure ;  
and
  - (b) if it is connected with an air compressing plant, shall either be so constructed as to withstand with safety the maximum pressure that can be obtained in the compressor, or be fitted with a suitable reducing valve or other suitable appliance to prevent the safe working pressure of the receiver being exceeded;  
and
  - (c) shall be fitted with a suitable safety valve so adjusted as to permit the air to escape as soon as the safe working pressure is exceeded ; and

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- (d) shall be fitted with a correct pressure gauge indicating the pressure in the receiver in pounds per square inch ; and
  - (e) shall be fitted with a suitable appliance for draining the receiver; and
  - (f) shall be provided with a suitable manhole, handhole, or other means which will allow the interior to be thoroughly cleaned; and
  - (g) in a case where more than one receiver is in use in the factory, shall bear a distinguishing mark which shall be easily visible.
- (2) For the purposes of the provisions of subsection (1) of this section relating to safety valves and pressure gauges, any set of air receivers supplied with air through a single pipe may be treated as one receiver but, where a suitable reducing valve or other suitable appliance to prevent the safe working pressure being exceeded is required to be fitted, only if the valve or appliance is fitted on that pipe.
- (3) Every air receiver and its fittings shall be of sound construction and properly maintained.
- (4) Every air receiver shall be thoroughly cleaned and examined at least once in every period of twenty-six months, except that in the case of a receiver of solid drawn construction—
- (a) the person making any such examination may specify in writing a period exceeding twenty-six months but not exceeding four years within which the next examination is to be made; and
  - (b) if it is so constructed that the internal surface cannot be thoroughly examined, a suitable hydraulic test of the receiver shall be carried out in lieu of internal examination.
- (5) Every such examination and test shall be carried out by a competent person, and a report of the result of every such examination and test, containing the prescribed particulars (including particulars of the safe working pressure) shall be entered in or attached to the general register.
- (6) In this section "air receiver" means—
- (a) any vessel (other than a pipe or coil, or an accessory, fitting or part of a compressor) for containing compressed air and connected with an air compressing plant; or
  - (b) any fixed vessel for containing compressed air or compressed exhaust gases and used for the purpose of starting an internal combustion engine; or
  - (c) any fixed or portable vessel (not being part of a spraying pistol) used for the purpose of spraying by means of compressed air any paint, varnish, lacquer or similar material; or
  - (d) any vessel in which oil is stored and from which it is forced by compressed air; but paragraph (e) of subsection (1) of this section shall not apply to any such vessel as is mentioned in paragraph (c) or paragraph (d) of this subsection.

### **37 Exceptions as to steam boilers, steam receivers and containers, and air receivers**

- (1) Sections thirty-two to thirty-four of this Act do not apply to any boiler belonging to or exclusively used in the service of Her Majesty or belonging to and used by the United Kingdom Atomic Energy Authority, or to the boiler of any ship or of any locomotive which belongs to and is used by any railway company.



- (2) The chief inspector may by certificate except from any of the provisions of sections thirty-two to thirty-six of this Act any class or type of steam boiler, steam receiver, steam container or air receiver to which he is satisfied that the provision cannot reasonably be applied.
- (3) Any such exception may be unqualified or may be subject to such conditions as may be contained in the certificate.

### **38 Steam boilers-supplementary provisions**

In this Part of this Act " steam boiler " means any closed vessel in which for any purpose steam is generated under pressure greater than atmospheric pressure, and includes any economiser used to heat water being fed to any such vessel, and any superheater used for heating steam ; and " maximum permissible working pressure", in relation to any steam boiler, means (except in subsections (4) and (5) of section thirty-three) that specified in the report of the last examination under that section.

### **39 Precautions as respects water-sealed gasholders**

- (1) Every gasholder shall be of sound construction and shall be properly maintained.
- (2) Every gasholder shall be thoroughly examined externally by a competent person at least once in every period of two years, and a record containing the prescribed particulars of every such examination shall be entered in or attached to the general register.
- (3) In the case of a gasholder of which any lift has been in use for more than twenty years, the internal state of the sheeting shall, at least once in every period of ten years, be examined by a competent person by cutting samples from the crown and sides of the holder or by other sufficient means, and all samples so cut and a report on every such examination signed by the person making it shall be kept available for inspection.
- (4) A record signed by the occupier of the factory or by a responsible official authorised in that behalf showing the date of the construction, as nearly as it can be ascertained, of the oldest lift of every gasholder in the factory shall be kept available for inspection.
- (5) Where there is more than one gasholder in the factory, every gasholder shall be marked in a conspicuous position with a distinguishing number or letter.
- (6) No gasholder shall be repaired or demolished except under the direct supervision of a person who, by his training and experience and his knowledge of the necessary precautions against risks of explosion and of persons being overcome by gas, is competent to supervise such work.
- (7) In this section " gas holder " means a water-sealed gasholder which has a storage capacity of not less than five thousand cubic feet.

### **40 Means of escape in case of fire-certification by fire authorities**

- (1) Subject to subsection (2) of this section, no premises shall be used as a factory to which this section applies unless there is in force with respect to the premises a certificate of the fire authority that the premises are provided with such means of escape in case of fire for the persons employed in the factory as may reasonably be required in the circumstances of the case.

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- (2) Where an application to certify any premises under this section is made in the prescribed form to the fire authority and, if regulations made by the Minister so require, the application is accompanied by such plans as may be prescribed in the regulations, subsection (1) of this section shall not apply to the use of the premises after the making of the application and before the grant or refusal of the certificate.
- (3) If any premises are used in contravention of this section the occupier shall be guilty of an offence and liable to a fine not exceeding two hundred pounds and, if the contravention is continued after conviction, he shall (subject to section one hundred and fifty-seven of this Act) be guilty of a further offence and liable to a fine not exceeding twenty pounds for each day on which the contravention is so continued.
- (4) Where on the making of an application for a certificate under this section the fire authority inform the applicant that they will not grant the certificate unless specified alterations are made to the premises they shall specify the time within which the alterations are to be carried out and, if the certificate is not granted it shall be deemed to have been refused at the expiration of the time so specified or such farther time as the authority may have allowed.
- (5) The fire authority shall examine every factory to which this section applies and, on being satisfied that it is provided with such means of escape as is mentioned in subsection (1) of this section, give a certificate under this section.
- (6) 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 authority thinks 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.
- (7) The certificate shall be attached by the occupier to the general register and a copy of it shall be sent by the fire authority to the inspector for the district.

#### **41 Means of escape in case of fire-maintenance, inspection, etc.**

- (1) All means of escape specified in a certificate under section forty of this Act shall be properly maintained and kept free from obstruction.
- (2) After a certificate under section forty of this Act has been given with respect to any factory the fire authority may examine the factory and every part thereof for the purpose of ascertaining whether there has been a change of conditions by reason of which the existing means of escape in case of fire have become insufficient.
- (3) If, after the grant of such 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 of the proposal to the fire authority.
- (4) If the fire authority on receipt of the notice 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.

- (5) If it appears to an inspector that dangerous conditions in regard to escape in case of fire exist in any factory to which section forty of this Act applies he may give notice thereof in writing to the fire authority, and it shall be the duty of the authority 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.
- (6) The occupier shall, within the period specified in any notice of the fire authority under this section, carry out any alterations required by the notice, and upon their being carried out the authority shall amend the certificate or issue a new certificate; and if the alterations are not so carried out, the authority shall, without prejudice to the taking of other proceedings, cancel the certificate.
- (7) If it appears to an inspector that the conditions in regard to escape in case of fire in any factory to which section forty of this Act 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 fire authority under the foregoing provisions of this section, make a complaint to a magistrates' court, and the court may, on being satisfied of those matters, 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.

#### **42 Means of escape in case of fire—exchange of information, consultation and action in default**

- (1) The fire authority shall inform the inspector for the district in any case in which a certificate under section forty of this Act has been, or is deemed to have been, refused or has been cancelled.
- (2) The fire authority shall send a copy of any certificate amended, and of any new certificate issued by them under subsection (6) of section forty-one of this Act, to the inspector for the district.
- (3) Where any works have been executed in any factory in pursuance of an order under subsection (7) of section forty-one of this Act, the inspector shall give notice thereof to the fire authority, who shall amend any certificate in force under section forty of this Act in respect of the factory, or issue a new certificate, as the case may require.
- (4) Before specifying, for the purposes of section forty or section forty-one of this Act, any alterations to any premises outside London the fire authority, except where they are the local authority (within the meaning of the Public Health Act, 1936, or the Building (Scotland) Act, 1959), for the area in which the premises are situated, shall consult that local authority.
- (5) Where notice is given by an inspector to a fire authority under subsection (5) of section forty-one of this Act, with respect to dangerous conditions in any factory, the authority shall inform the inspector of any action taken for remedying the dangerous conditions and, if no such action is taken by them within one month of the receipt of the notice, the inspector may take the like action as the authority might have taken and shall be entitled to recover from the authority all such expenses as he may incur in doing so and as are not recovered from any other person and are not expenses incurred in or about any unsuccessful legal proceedings.

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- (6) Any sum recoverable under subsection (5) of this section shall, in England and Wales, be recoverable summarily as a civil debt.

**43 Means of escape in case of fire-right of appeal of occupier against refusal of certificate, etc.**

If the occupier of any factory is aggrieved by the refusal of a fire authority to grant a certificate under section forty of this Act or to amend such a certificate or by being required by the fire authority under section forty-one of this Act or by an inspector under section forty-two thereof to carry out any alterations at the factory, or by the period within which he is required to carry them out, or by the cancellation of such a certificate, he may appeal, within twenty-one days of the refusal, notice of requirement, or cancellation, to a magistrates' court and, pending final determination of the appeal, no offence shall be deemed to be committed under section forty of this Act by reason that the premises to which the appeal relates are used as a factory without a certificate being in force with respect thereto.

**44 Means of escape in case of fire-special provisions as to London**

- (1) Subject to subsection (2) of this section, a factory or part of a factory 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 V of the London Building Acts (Amendment) Act, 1939, and are maintained, shall be entitled to receive a certificate under section forty of this Act, and pending the receipt of the certificate no offence shall be deemed to be committed under that section by reason of the use of the factory while no such certificate is in force with respect thereto.
- (2) Subsection (1) of this section does not apply to any factory or part thereof if, since the means of escape were provided, any action has been taken of which notice would, if a certificate under section forty of this Act had been granted, have been required to be given to the fire authority.

**45 Means of escape in case of fire-factories to which s. 40 applies**

Section forty of this Act applies to every factory—

- (a) in which more than twenty persons are employed; or
- (b) which was being constructed or converted for use as a factory at the date of the passing of the Factories Act, 1937 (that is to say the thirtieth day of July, nineteen hundred and thirty-seven) or was 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 was completed before the said date 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 ;

and the Minister may by regulations provide that that section shall also apply to any class or description of factory specified in the regulations.

#### **46 Means of escape in case of fire-regulations and bye-laws**

- (1) The Minister may make regulations as to the means of escape in case of fire to be provided in factories or any class or description of factory.
- (2) It shall be the duty of the fire authority to see that the regulations are complied with and the provisions of Part I of this Act as to the power to act in default of a district council shall (with the necessary modifications) apply in the case of any default of a fire authority under this subsection.
- (3) If a certificate has been issued under section forty of this Act in respect of a factory which is not in conformity with the regulations under this section, the fire authority shall serve a notice on the occupier of the factory requiring him to make, within a specified period, such alterations as they consider necessary to bring the factory into conformity with the regulations, and the provisions of sections forty-one and forty-three of this Act shall apply in relation to any such notice as they apply in relation to a notice of the fire authority under the said section forty-one.
- (4) Every fire authority shall in addition to any powers which they possess with reference to the prevention of fire, have power to make byelaws as to the means of escape in case of fire to be provided in factories or any class or description of factory, but such byelaws shall be void in so far as they contain any provisions inconsistent with any regulations made by the Minister under this section.
- (5) The Minister of Housing and Local Government, or, in Scotland, the Secretary of State shall be the confirming authority for any byelaws made under subsection (4) of this section.
- (6) Sections two hundred and fifty to two hundred and fifty-two of the Local Government Act, 1933, or, in Scotland, sections three hundred and one to three hundred and three of the Local Government (Scotland) Act, 1947 (which relate to the procedure for making byelaws, penalties for offences against byelaws and evidence of byelaws), shall apply to any byelaw made under subsection (4) of this section by an authority which is not a local authority within the meaning of the said Act of 1933 or the said Act of 1947, as if it were such an authority; and where (in Scotland) any such byelaw is made by an authority not having a common seal it shall be authenticated by the signature of two members and the clerk of the authority.
- (7) This section shall in its application to the Administrative County of London have effect as if subsections (5) and (6) were omitted, and as if the matters with respect to which byelaws may be made under this section were included in the matters with respect to which the London County Council may make byelaws under section four of the London Building Act (Amendment) Act, 1935, and as if any byelaws made under this section were made under the said section four.

#### **47 Means of escape in case of fire-provisions as to fire authority**

- (1) An examination by a fire authority under section forty or section forty-one of this Act may be carried out either by an officer of the authority authorised by them in writing or, where in any county, county borough or burgh the council thereof is not the fire authority and the fire authority so requests, by an officer of that council authorised in writing by the council.

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- (2) In sections forty to forty-six of this Act and this section, "fire authority" means, in relation to any area, the authority for the time being constituted the fire authority for that area by the Fire Services Act, 1947; except that—
- (a) where in accordance with arrangements made under section twelve of that Act all the functions of the fire authority under that Act in respect of the whole or part of the area are discharged by another fire authority, it means in relation to that area or that part, that other fire authority ; and
  - (b) in relation to an area in Scotland the fire brigade for which is administered by such a joint committee as is mentioned in paragraph (b) of subsection (4) of section thirty-six of that Act, it means that joint committee.
- (3) A change in the authority which is the fire authority in relation to any area shall not affect the validity of any byelaw made under section forty-six of this Act or of any certificate under section forty thereof issued by the authority exercising functions under those sections before the change, or of any notice given under section forty-one, forty-two or forty-six of this Act by or to that authority; but the authority ceasing to exercise those functions shall send to the authority exercising them after the change a copy of any certificate under the said section forty which relates to a factory in the area in relation to which the last-mentioned authority are the fire authority and of any such notice which relates to such a factory and was given within twelve months before that time.

#### **48 Safety provisions in case of fire**

- (1) While any person is within a factory for the purpose of employment or meals, the doors of the factory, and of any room therein in which he is, and any doors which afford a means of exit for persons employed in the factory from any building or from any enclosure in which the factory is situated, shall not be locked or fastened in such manner that they cannot be easily and immediately opened from the inside.
- (2) Any doors opening on to any staircase or corridor from any room in which more than ten persons are employed, and in the case of any factory constructed or converted for use as a factory after the end of June, nineteen hundred and thirty-eight, all other doors affording a means of exit from the factory for persons employed therein, shall, except in the case of sliding doors, be constructed to open outwards.
- (3) In any factory constructed or converted for use as a factory before July, nineteen hundred and thirty-eight, in which more than ten persons are employed in the same building above the ground floor, any door which is not kept continuously open, at the foot of a staircase affording a means of exit from the building, shall, except in the case of sliding doors, be constructed to open outwards.
- (4) Every hoistway or liftway inside a building constructed after the end of June, nineteen hundred and thirty-eight, shall be completely enclosed with, fire-resisting materials, and all means of access to the hoist or lift shall be fitted with doors of fire-resisting materials; except that any such hoistway or liftway which is not provided with a vent at the top shall at the top be enclosed only by some material easily broken by fire.
- (5) The chief inspector may by certificate grant, subject to any conditions specified in the certificate, exemption from compliance with any of the requirements of subsections (2) to (4) of this section in any case where he is satisfied that compliance with those requirements is inappropriate or undesirable.

- (6) Every window, door or other exit affording means of escape in case of fire or giving access thereto, other than the means of exit in ordinary use, shall be distinctively and conspicuously marked by a notice printed in letters of adequate size.
- (7) In every building which is, forms part of or comprises a factory to which section forty of this Act applies, effective means, capable of being operated without exposing any person to undue risk, shall be provided and maintained for giving warning in case of fire, which shall be clearly audible throughout the building or, where the factory is part only of the building, in every part of the building which is used for the purposes of the factory.
- (8) The Minister may by regulations apply the provisions of subsection (7) of this section to any class or description of factory.
- (9) The Minister may by order grant exemption from or modify the requirements of subsection (7) of this section in any case where it appears to him that those requirements are unnecessary or, as the case may be, would, unless modified, be unreasonable; and any such order may apply to any particular factory or part of a factory or any class or description of factory.
- (10) The contents of any room in which persons are employed shall be so arranged or disposed that there is a free passage-way for all persons employed in the room to a means of escape in case of fire.

#### **49 Instruction as to use of means of escape in case of fire**

- (1) Where in any factory more than twenty persons are employed in the same building above the first floor or more than twenty feet above ground level, or explosive or highly inflammable materials are stored or used in any building where persons are employed, effective steps shall be taken to ensure that all the persons employed are familiar with the means of escape in case of fire and their use and with the routine to be followed in case of fire.
- (2) The Minister may by regulations apply the provisions of subsection (1) of this section to any class or description of factory.
- (3) The Minister may make regulations as to the steps to be taken for the purposes of subsection (1) of this section in factories to which that subsection applies, or any class or description thereof.

#### **50 Prevention of fire**

- (1) The Minister may make special regulations as to the measures to be taken to reduce the risk of fire breaking out in any factory or of any such fire or smoke therefrom spreading in any factory, and such regulations may, among other things, prescribe requirements as to the internal construction of a factory and the materials used in that construction.
- (2) Special regulations made under this section may provide, as regards any of their provisions, that some other person or persons shall be responsible for a contravention thereof instead of or as well as the occupier.

**51 Fire fighting**

- (1) In every factory there shall be provided and maintained appropriate means for fighting fire, which shall be so placed as to be readily available for use.
- (2) The Minister may by special regulations prescribe for any class or description of factory or part thereof specified means for fighting fire, and any such regulations may provide for the testing or examination of the means so specified and for the recording of particulars of the tests or examinations and of any defects found and action taken to remedy the defects.
- (3) The Minister may make special regulations requiring means to be provided in any class or description of factory for notifying the fire brigade in case of fire and requiring employed persons to be made familiar with their use.
- (4) Special regulations made under this section may provide, as regards any of their provisions, that some other person or persons shall be responsible for a contravention thereof instead of or as well as the occupier.
- (5) Any requirement imposed by regulations made under subsection (2) of this section may be so imposed either in substitution for or without prejudice to the general requirements of subsection (1) of this section.
- (6) The Minister may by order grant exemption from the requirements of subsection (1) of this section and any such order may apply to any particular factory or part of a factory or any class or description of factory.

**52 Testing or examination of fire warnings**

- (1) There shall be tested or examined at least once in every period of three months and whenever an inspector so requires every means for giving warning in case of fire which is required to be provided by or under this Act.
- (2) The Minister may by regulations provide that in relation to any class or description of appliance or in relation to any class or description of factory subsection (1) of this section shall have effect with the substitution for the period of three months of such period as may be specified in the regulations.
- (3) The Minister may by regulations prescribe the nature of the test or examination to be carried out in pursuance of this section.
- (4) There shall be entered in or attached to the general register the date of every test or examination carried out in pursuance of this section and particulars of any defect found and the date and particulars of any action taken to remedy any such defect.

**53 Power of Minister to require special safety arrangements for the prevention of accidents**

Where it appears to the Minister that, in view of the number and nature of accidents occurring in any factory or class or description of factory, special provision ought to be made at that factory or at factories of that class or description to secure the safety of persons employed therein, he may make special regulations requiring the occupier to make such reasonable provision by arrangements for special supervision in regard to safety, investigation of the circumstances and causes of accidents, and otherwise as may be specified in the regulations.



#### **54 Power to make orders as to dangerous conditions and practices**

- (1) If on complaint by an inspector a magistrates' court is satisfied either—
  - (a) that any part of the ways, works, machinery, or plant used in a factory is in such 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 subsection (1) of this section, the court 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,
- (3) In exercising its powers under subsection (2) of this section the court may be composed of a single justice.

#### **55 Power to make orders as to safety of factory premises**

- (1) Where a magistrates' court is satisfied on complaint by an inspector that any premises which are or are part of or are intended to be used as a factory are in such condition, or are so constructed or placed, that any process or work carried on therein, or intended to be carried on therein, cannot be so carried on with due regard to the safety, health and welfare of the persons employed, the court may by order prohibit the use thereof for the purpose of that process or work and, in the case of premises which are intended for use as a factory, the court may make the like order if satisfied on complaint by an inspector that the process or work cannot be carried on therein without a contravention of this Act or a regulation or order made thereunder.
- (2) The carrying on of any process or work may, by an order under subsection (1) of this section, be prohibited either indefinitely, or until such steps have been taken as may be specified in the order to enable the process or work to be carried on with due regard to the safety, health and welfare of the persons employed or without such a contravention as aforesaid, as the case may be; but any such order may be revoked or varied on the application by way of complaint of the occupier or owner of the premises.
- (3) On any application for the revocation or variation of an order under subsection (1) of this section the inspector for the district shall be entitled to be heard.

#### **56 Application of Part II to Scotland**

In the application of this Part of this Act to Scotland, for any reference to a magistrates' court there shall be substituted a reference to the sheriff, for any reference to a

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*Status: This is the original version (as it was originally enacted).*

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complaint a reference to a summary application, and subsection (3) of section fifty-four shall be omitted.