



# Factories Act 1961

## 1961 CHAPTER 34

### PART IV

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

##### *Special provisions*

#### **63 Removal of dust or fumes**

- (1) In every factory in which, in connection with any process carried on, there is given off any dust or fume or other impurity of such a character and to such extent as to be likely to be injurious or offensive to the persons employed, or any substantial quantity of dust of any kind, all practicable measures shall be taken to protect the persons employed against inhalation of the dust or fume or other impurity and to prevent its accumulating in any workroom, and in particular, where the nature of the process makes it practicable, exhaust appliances shall be provided and maintained, as near as possible to the point of origin of the dust or fume or other impurity, so as to prevent its entering the air of any workroom.
- (2) No stationary internal combustion engine shall be used unless—
  - (a) provision is made for conducting the exhaust gases from the engine into the open air; and
  - (b) the engine (except when used for the purpose of being tested) is so partitioned off from any workroom or part of a workroom in which persons are employed, other than persons attending to the engine, as to prevent any injurious fumes from the engine entering the air of the room or part of the room.

#### **64 Meals in certain dangerous trades**

- (1) Where in any room lead, arsenic or any other poisonous substance is so used as to give rise to any dust or fume, a person shall not be permitted to partake of food or drink in that room or to remain in that room during the intervals allowed to him for meals or rest other than intervals allowed in the course of a spell of continuous employment.

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- (2) Where in any room a process prescribed by regulations made by the Minister is carried on, being a process which gives rise to siliceous dust or asbestos dust, a person shall not be permitted to remain in that room during the intervals allowed to him for meals or rest other than intervals allowed in the course of a spell of continuous employment.
- (3) Suitable provision shall be made for enabling the persons employed in any such room as is mentioned in subsections (1) and (2) of this section to take their meals elsewhere in the factory.
- (4) Where it appears to the Minister that, by reason of the nature of any process, it is injurious to health or otherwise undesirable to take meals in rooms where that process is carried on or to remain therein during the intervals allowed for meals or rest, he may, if he thinks fit, by regulations extend all or any of the provisions of subsections (1) and (3) of this section to rooms where that process is carried on.

#### **65 Protection of eyes in certain processes**

In the case of any such process as may be specified by regulations of the Minister, being a process which involves a special risk of injury to the eyes from particles or fragments thrown off in the course of the process, suitable goggles or effective screens shall, in accordance with any directions given by the regulations, be provided to protect the eyes of the persons employed in the process.

#### **66 Shuttle threading by mouth suction**

The Minister may make such special regulations as appear to him to be reasonably practicable for extending the provision and use in factories in which the weaving of cotton or other cloth is carried on of shuttles which are not capable of being threaded or readily threaded by suction of the mouth, and any such regulations may impose duties on persons employed as well as on occupiers.

#### **67 Prohibition of use of white phosphorus in manufacture of matches**

- (1) No person shall use white phosphorus in the manufacture of matches.
- (2) In this Part of this Act " white phosphorus " means the substance usually known as white or yellow phosphorus.

#### **68 Humid factories**

- (1) The occupier of every humid factory shall, on or before the first occasion on which artificial humidity is produced at that factory, give notice thereof in writing to the inspector for the district.
- (2) The following provisions of this section shall have effect with respect to every humid factory with respect to which regulations under this Act concerning humidity are not for the time being in force.
- (3) There shall be provided and maintained in every room in which artificial humidity is produced two hygrometers conforming to such conditions as regards construction and maintenance as may be prescribed, and—

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- (a) one of the hygrometers shall be fixed in the centre and the other at the side of the room, or in such other position as may be directed or sanctioned by an inspector, so as to be plainly visible to the persons employed;
  - (b) a copy of the table of humidity set out in the First Schedule to this Act, or such other table as may be substituted therefor by regulations of the Minister, shall be kept hung up near each hygrometer;
  - (c) the occupier or other person authorised for the purpose shall read the hygrometers between ten and eleven o'clock in the morning on every day on which any persons are employed in the room in the morning and between three and four o'clock in the afternoon on every day on which any persons are employed in the room in the afternoon, and when persons are employed before six o'clock in the morning or after eight o'clock in the evening, at such other times as may be directed by the inspector for the district, and shall enter the readings on a record, which shall be provided for each hygrometer in the prescribed form;
  - (d) the forms on which the readings of each hygrometer are recorded shall be kept hung up near the hygrometer, and when filled up shall be preserved at the factory for reference, and the entries recorded in the form shall be prima facie evidence of the humidity of the atmosphere and temperature in the factory.
- (4) There shall be no artificial humidification in any room at any time when the reading of the wet bulb thermometer exceeds seventy-two and a half degrees, or, in the case of a room in which the spinning of cotton or the spinning of merino or cashmere by the French or dry process or the spinning or combing of wool by that process is carried on, eighty degrees.
- (5) There shall be no artificial humidification in any room at any time when the difference between the readings of the dry and wet bulb thermometers is less than that indicated in the table of humidity.
- (6) No water which is liable to cause injury to the health of the persons employed, or to yield effluvia, shall be used for artificial humidification, and for the purposes of this subsection any water which absorbs from acid solution of permanganate of potash in four hours at sixty degrees more than half a grain of oxygen per gallon of water shall be deemed to be liable to cause injury to the health of the persons employed.
- (7) The chief inspector may direct in writing, in the case of any factory or any room in a factory, that only one hygrometer, fixed in such position as may be directed by an inspector, need be provided instead of two hygrometers fixed as mentioned in paragraph (a) of subsection (3) of this section.
- (8) Where in respect of any room notice has been given in the prescribed manner to the inspector for the district that it is intended that the humidity of the atmosphere should never be greater than will maintain a difference of at least four degrees between the readings of the dry and wet bulb thermometers, the provisions of paragraphs (c) and (d) of subsection (3) of this section shall not apply as respects that room so long as at least that difference is maintained and a copy of the said notice is kept posted in the room.

## **69 Underground rooms**

- (1) The inspector for the district may certify any underground room as unsuitable for work other than work involved in the use of the room for the purpose of storage or such other purpose as the Minister may by order specify, and where such a certificate is

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in force with respect to any room no work for which it is certified as unsuitable shall be carried on in it.

- (2) 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.
- (3) Except in the case of a room which on the first day of July, nineteen hundred and thirty-eight was part of a factory (within the meaning of the Factories Act, 1937, as originally enacted) and was used for work for which it may be certified as unsuitable under this section, the occupier of an underground room—
  - (a) 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.
- (4) 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 to a magistrates' court, or, in Scotland, the sheriff, and, pending the final determination of an appeal against a decision under 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.
- (5) In this section—
 

" underground room " means any room which, or any part of which, is so situate that at least half its height, 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 ; and

" unsuitable " means unsuitable 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.
- (6) 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.

## **70 Basement bakehouses**

- (1) Without prejudice to the provisions of section sixty-nine of this Act, a basement bakehouse shall not be used as a bakehouse unless it was so used 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, and a certificate of suitability had been issued in respect of it by the district council under an enactment repealed by that Act ; and a basement bakehouse shall not be used as a bakehouse, notwithstanding that the foregoing conditions are satisfied, if, at any time since the commencement of that Act, that is to say, the first day of July, nineteen hundred and thirty-eight, it was not so used for a period exceeding twelve months.
- (2) It shall be the duty of every district council to carry out every five years, beginning with the fifth year after that in which an examination under section fifty-four of the Factories Act, 1937, was last required before the commencement of this Act,

an examination of every basement bakehouse in respect of which a certificate of suitability had been issued and—

- (a) if as the result of the examination the council are not satisfied that the bakehouse is suitable for use as such as regards construction, height, light, ventilation, and any hygienic respect, they shall give notice in writing that the certificate shall cease to have effect at the expiration of such period not less than one month as may be specified in the notice, and the basement bakehouse shall not be used as a bakehouse after the expiration of that period; or
  - (b) if the council are satisfied that the bakehouse is suitable as regards the matters aforesaid, they shall give notice in writing that the certificate shall continue to operate so long as the bakehouse may otherwise lawfully be used, but without prejudice to the power of the council to revoke the certificate as the result of a subsequent examination under this subsection.
- (3) Where the district council give notice that the certificate of a basement bakehouse is to cease to have effect, the occupier may, within twenty-one days of the receipt of the notice, appeal to a magistrates' court or, in Scotland, the sheriff, and the court or sheriff, if satisfied that the bakehouse is suitable as regards the matters aforesaid, may by order direct that the certificate shall continue to operate as if a notice had been given under paragraph (b) of subsection (2) of this section or may by order extend the period at the expiration of which the certificate is to cease to have effect, and pending the final determination of the appeal the certificate shall continue to operate.
- (4) In this section " basement bakehouse " means a bakehouse any baking room of which is so situate that the surface of the floor is more than three feet below the surface of the footway of the adjoining street, or of the ground adjoining or nearest to the room ; and " baking room " means any room used for baking, or for any process incidental thereto.
- (5) The prohibition of the use of basement bakehouses under this section shall be enforced by the district council, and the provisions of Part I of this Act as to the power to act in default of a district council shall apply in the case of any default of the district council under this section.

## **71 Laundries**

In every laundry—

- (a) effective steps shall be taken by means of a fan or other wise to regulate the temperature in every ironing room and to carry away the steam in every washhouse ;
- (b) all stoves for heating irons shall be so separated from any ironing room or ironing table as to protect the workers from the heat thereof;
- (c) no gas iron emitting any noxious fumes shall be used.

## **72 Lifting excessive weights**

- (1) A person shall not be employed to lift, carry or move any load so heavy as to be likely to cause injury to him.
- (2) The Minister may make special regulations prescribing the maximum weights which may be lifted, carried or moved by persons employed in factories; and any such regulations may relate either to persons generally or to any class of persons- or to persons employed in any class or description of factory or in any process.

**73 Prohibition of employment of female young persons where certain processes are carried on**

- (1) Where in any part of a factory—
- (a) the process of melting, or of blowing glass other than lamp blown glass ; or
  - (b) the process of annealing glass other than plate or sheet glass; or
  - (c) the evaporating of brine in open pans, or the stoving of salt,
- is carried on, a female young person shall not be employed in that part of the factory.
- (2) The Minister may by regulations extend this section to any process in which, on account of the special circumstances, it appears to him undesirable that female young persons should be employed, and, if he is satisfied that owing to a change in the circumstances in which any process specified in subsection (1) of this section is carried on the provisions of this section ought not to apply or ought to be relaxed with respect to that process, he may by regulations direct that this section shall, to such extent and subject to such conditions as may be specified in the regulations, cease to apply to that process.

**74 Prohibition of employment of women and young persons in certain processes connected with lead manufacture**

A woman or young person shall not be employed in any factory in any of the following operations:—

- (a) work at a furnace where the reduction or treatment of zinc or lead ores is carried on ;
- (b) the manipulation, treatment or reduction of ashes containing lead, the desilverising of lead, or the melting of scrap lead or zinc;
- (c) the manufacture of solder or alloys containing more than ten per cent. of lead ;
- (d) the manufacture of any oxide, carbonate, sulphate, chromate, acetate, nitrate, or silicate of lead;
- (e) mixing or pasting in connection with the manufacture or repair of electric accumulators;
- (f) the cleaning of workrooms where any of the processes aforesaid are carried on.

**75 Provisions as to employment of women and young persons in processes involving use of lead compounds**

- (1) A woman or young person shall not be employed in any factory in any process involving the use of lead compounds if the process is such that dust or fume from a lead compound is produced therein, or the persons employed therein are liable to be splashed with any lead compound in the course of their employment, unless the following provisions are complied with as respects all women and young persons employed—
- (a) where dust or fume from a lead compound is produced in the process, provision shall be made for drawing the dust or fume away from the persons employed by means of an efficient exhaust draught so contrived as to operate on the dust or fume as nearly as may be at its point of origin;
  - (b) the persons employed shall undergo the prescribed medical examination at the prescribed intervals, and the prescribed record shall be kept with respect to their health;

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- (c) no food, drink or tobacco shall be brought into or consumed in any room in which the process is carried on, and no person shall be allowed to remain in any such room during meal times ;
  - (d) suitable protective clothing in a clean condition shall be provided by the occupier and worn by the persons employed;
  - (e) such suitable cloak-room, mess-room and washing accommodation as may be prescribed shall be provided for the use of the persons employed ;
  - (f) the rooms in which the persons are employed, and all tools and apparatus used by them, shall be kept in a clean state.
- (2) It shall not be lawful to employ in any process involving the use of lead compounds any woman or young person who has been suspended after medical examination from employment in any such process on the ground that continuance therein would involve special danger to health.
- (3) The method of ascertaining whether any compound or mixture is a lead compound within the meaning of this section shall be such as may be prescribed.
- (4) In this section " prescribed " means prescribed by regulations made by the Minister, and " lead compound " means any soluble compound of lead which is declared by regulations of the Minister to be a lead compound for the purposes of this section, and includes a mixture containing any such compound, but does not include an alloy containing lead.

*Special regulations for safety and health*

**76 Power to make special regulations for safety and health**

- (1) Where the Minister is satisfied that any manufacture machinery, plant, equipment, appliance, process or description of manual labour is of such a nature as to cause risk of bodily injury to the persons employed or any class of those, persons he may, subject to the provisions of this Act, make such special regulations as appear to him to be reasonably practicable and to meet the necessity of the case.
- (2) Special regulations so made may, among other things,
- (a) prohibit the employment of, or modify or limit the hours of employment of, all persons or any class of persons in connection with any manufacture, machinery, plant, process, or description of manual labour; or
  - (b) prohibit, limit, or control the use of any material or process; or
  - (c) modify or extend with respect to any class or description of factory any provisions of Part I, Part II or this Part of this Act, being provisions imposing requirements as to health or safety;
- and may impose duties on owners, employed persons and other persons, as well as on occupiers.
- (3) Special regulations so made may apply to all factories or to any specified class or description of factory, and may provide for the exemption of any specified class or description of factory either absolutely or subject to conditions.

*Supplementary provisions*

**77 Prohibition of importation and sale of materials and of articles made with prohibited materials**

- (1) It shall not be lawful to import into the United Kingdom matches made with white phosphorus.
- (2) Where by any regulations made under this Act the use of any material or process is prohibited, Her Majesty may by Order in Council prohibit, either absolutely or subject to exemptions, the importation into the United Kingdom of the material or of any articles in the manufacture of which the material or process has been employed, and any such Order in Council may be varied or revoked by a subsequent Order in Council.
- (3) Any person who sells or offers or exposes for sale, or has in his possession for purposes of sale, any article or material the importation of which is prohibited by or under this section, shall be guilty of an offence and shall, in addition to his liability in respect of the offence, forfeit any such article or material in his possession, and any article or material so forfeited shall be destroyed or otherwise dealt with as the court may think fit.

**78 Power to take samples**

- (1) An inspector may at any time after informing the occupier or, if the occupier is not readily available, a foreman or other responsible person in the factory, take for analysis sufficient samples of any material in use or mixed for use in the manufacture of matches or of any substance used or intended to be used in a factory which is a substance in respect of which he suspects a contravention of any regulation made under this Part of this Act, or which in his opinion is likely or may prove on analysis to be likely to cause bodily injury to the persons employed.
- (2) The occupier or the foreman or other responsible person may, at the time when a sample is taken under this section, and on providing the necessary appliances require the inspector to divide the sample into three parts, to mark and seal or fasten up each part in such manner as its nature permits, and—
  - (a) to deliver one part to the occupier, or the foreman or other responsible person;
  - (b) to retain one part for future comparison ;
  - (c) to submit one part to the analyst;and any analysis under this section shall, if so required, be carried out by a government department.
- (3) A certificate purporting to be a certificate by the Government Chemist as to the result of an analysis of a sample under this section shall in any proceedings under this Act be admissible as evidence of the matters stated therein, but either party may require the person by whom the analysis was made to be called as a witness.
- (4) It shall not be lawful for any person, except in so far as is necessary for the purposes of a prosecution for an offence under this Act, to publish or disclose to any person the results of an analysis made under this section, and if any person acts in contravention of this subsection, he shall be liable to a fine not exceeding one hundred pounds.



## **79 Restriction on approval of plans for cotton cloth factories**

No plans or sections relating to the erection or conversion of a building proposed to be used as a cotton cloth factory shall be approved by any local authority to whom they have been submitted in pursuance of any Act or of any byelaw made under any Act unless they are accompanied by a certificate in writing, issued by the superintending inspector of factories for the division in which the building is proposed to be erected or converted, certifying that the building to which the plans and sections relate would not, if erected or converted in accordance therewith, contravene regulations under this Act with respect to humidity in cotton cloth factories.