



Factories Act 1961

1961 CHAPTER 34 9 and 10 Eliz 2

PART VII

SPECIAL APPLICATIONS AND EXTENSIONS

Docks, wharves, quays, warehouses and ships

125 Docks, etc.

- (1) The provisions of this Act specified in subsection (2) of this section shall apply to every dock, wharf or quay (including any warehouse belonging to the owners, trustees or conservators of the dock, wharf or quay, and any line or siding used in connection with and for the purposes of the dock, wharf or quay and not forming part of a railway or tramway) and every other warehouse (not forming part of a factory) in or for the purposes of which mechanical power is used—
- (a) as if it were a factory; and
 - (b) as if the person having the actual use or occupation of it or of any premises within it or forming part of it, were the occupier of a factory.
- (2) The said provisions are:—
- [^{F1}(a) the provisions of Part II with respect to steam boilers, but with the modification that the owner of the boiler shall, instead of the person deemed to be the occupier, be responsible for any contravention of those provisions:]
 - (b) the provisions of sections fifty and fifty-one so far as they enable the Minister to make regulations;
 - (c)^{F2}
 - (f) Part V;
 - (g) the provisions of Part VII with respect to premises where part of a building is a separate factory, subject to such modifications as may be made by regulations of the Minister;
 - (h)^{F3}

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- (j) the provisions of Part X with respect to . . . ^{F4F5} . . . , ^{F6} . . . , preservation of registers and records, but subject to such modifications as may be made by regulations of the Minister, . . . ^{F7};
 - (k) ^{F8}
 - (l) Part XII; and
 - (m) Part XIV.
- (3) Subject to subsection (4) of this section,—
- (a) the provisions of this Act mentioned in paragraph (a) (subject to the modification mentioned in that paragraph) and in paragraphs . . . ^{F9}, (f), . . . ^{F7}, (j), . . . ^{F9}, (l) and (m) of subsection (2) of this section;
 - (b) ^{F10}
- shall apply to the process of loading, unloading or coaling of any ship in any dock, harbour or canal, and to all machinery or plant used in those processes, as if the processes were carried on in a factory and the machinery or plant were machinery or plant in a factory, and the person who carries on those processes were the occupier of a factory.
- [^{F11}(4) Nothing in this section shall apply to any machinery or plant which is on board a ship and is the property of the ship owner or charterer, or is rented, leased or hired by him or his agent, or is being purchased by him or his agent under a hire-purchase agreement or a conditional sale agreement (each within the meaning of section 53 of the Health and Safety at Work etc. Act 1974).]
- (5) In subsections (3) and (4) of this section “plant” includes any gangway or ladder used by any person employed to load or unload or coal a ship.
- (6) The provisions of Part II of this Act with respect to prime movers, transmission machinery, other machinery, provisions as to unfenced machinery, construction and maintenance of fencing, construction and sale of new machinery, cleaning of machinery by women and young persons, training and supervision of young persons working at dangerous machines, hoists and lifts, chains, ropes and lifting tackle, cranes and other lifting machines, construction and maintenance of floors, passages and stairs, . . . ^{F9} shall apply to every warehouse mentioned in subsection (1) of this section as if the warehouse were a factory and the person having the actual use or occupation thereof were the occupier of a factory [^{F12}], [^{F12}except that this subsection shall not operate to apply the provisions to chains, ropes and lifting tackle, cranes and other lifting machines, or to the construction and maintenance of floors, passages and stairs, in warehouses which are dock premises.]
- [^{F13}(7) The provisions of Part II of this Act, and any regulations made under that Part, with respect to prime movers, transmission machinery, other machinery, provisions as to unfenced machinery, construction and maintenance of fencing, hoists and lifts shall apply to all dock premises as if the dock premises were a factory, and the person having the control of such matter were the occupier of the factory in respect of that matter.
- (8) The provisions of section 173 of this Act (application to Crown) shall apply to all dock premises as if the dock premises were a factory, but only for the purpose of applying to the Crown such provisions of this Act as are applied to docks, wharfs, quays and dock premises by virtue of the foregoing provisions of this section.
- (9) In subsections (6), (7) and (8) of this section “dock premises” means any dock, wharf, quay, jetty or other place at which ships load or unload goods or embark or disembark passengers, together with neighbouring land or water which is used or occupied, or

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intended to be used or occupied, for those or incidental activities, and any part of a ship when used for those or incidental activities.]

Textual Amendments

- F1** Ss. 32, 35, 36, 125, 127(2)(c) repealed (1.7.1994) by [S.I. 1989/2169](#), reg. 26, **Sch. 6 Pt. 1**
- F2** S. 125(2)(c)–(e) repealed by [S.I. 1974/1941](#), reg. 7, **Sch. 1**
- F3** S. 125(2)(h) repealed by [S.I. 1975/1012](#), **Sch.**
- F4** Words repealed by [S.I. 1989/682](#), reg. 8(1), **Sch. Pt. 1**
- F5** Words in s. 125(2)(j) repealed (1.1.1996) by [S.I. 1995/2923](#), reg. 3(1), **Sch. Pt. 1**
- F6** Words in s. 125(2)(j) repealed (6.4.2009) by [The Factories Act 1961 and Offices, Shops and Railway Premises Act 1963 \(Repeals and Modifications\) Regulations 2009 \(S.I. 2009/605\)](#), regs. 1, **4(2)(b)**
- F7** Words repealed by [S.I. 1975/1012](#), **Sch.**
- F8** S. 125(2)(k) repealed by [S.I. 1974/1941](#), reg. 7, **Sch. 1**
- F9** Words repealed by [S.I. 1974/1941](#), reg. 7, **Sch. 1**
- F10** S. 125(3)(b) and preceding “and” repealed by [Employment Medical Advisory Service Act 1972 \(c. 28\)](#), **Sch. 3**
- F11** S. 125(4) substituted by [S.I. 1988/1655](#), **regs. 2(1), 3, 23**, with application as mentioned in reg. 3
- F12** Words added and “,” substituted [S.I. 1988/1655](#), **regs. 2(1), 3, 23**, with application as mentioned in reg. 3
- F13** S. 125(7)–(9) added by [S.I. 1988/1655](#), **regs. 2(1), 3, 23**, with application as mentioned in reg. 3

Modifications etc. (not altering text)

- C1** S. 125 amended by [Employment Medical Advisory Service Act 1972 \(c. 28\)](#), **s. 8(1)**
- C2** S. 125(1) amended by [Offices, Shops and Railway Premises Act 1963 \(c. 41\)](#), **s. 75(1)(3)**
- C3** S. 125(2)(j) amended by [S.I. 1974/1941](#), **Sch. 2 para. 9**

126 Ships.

(1) Subject to subsection (3) of this section, the provisions of this Act specified in subsection (2) of this section shall apply to any work carried out in a harbour or wet dock in constructing, reconstructing, repairing, refitting, painting, finishing or breaking up a ship or in scaling, scurving or cleaning boilers (including combustion chambers and smoke boxes) in a ship, or in cleaning oil-fuel tanks or bilges in a ship or any tank in a ship last used for oil of any description carried as cargo or any tank or hold last used for any substance so carried of a description specified in regulations of the Minister as being of a dangerous or injurious nature; and for the purposes of those provisions as so applying the ship shall be deemed to be a factory, and any person undertaking the work shall be deemed to be the occupier of a factory.

(2) The said provisions are:—

- (a) the provisions of sections fifty and fifty-one so far as they enable the Minister to make regulations;
- (b) **F14**
- (c) Part V;
- (d) **F15**
- (e) **F16**
- (f) **F17**
- (g) the provisions of Part X with respect to **F18** ..., preservation of registers and records, . . . **F19**
- (h) **F20**

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- (l) Part XII;
- (m) Part XIV.

(3) Nothing in this Act shall apply to any such work as is mentioned in subsection (1) of this section which is done by the master or crew of a ship or done on board a ship during a trial run.

Textual Amendments

- F14** S. 126(2)(b)–(d) repealed by S.I. 1974/1941, reg. 7, **Sch. 1**
- F15** Ss. 121(5), 126(2)(f) repealed by Employment Act 1989 (c. 38, SIF 43:1), s. 29(4), **Sch. 7 Pt. II**
- F16** S. 126(2)(g) repealed by Employment Medical Advisory Service Act 1972 (c. 28), **Sch. 3**
- F17** S. 126(2)(h) repealed by S.I. 1975/1012, **Sch.**
- F18** Words in s. 126(2)(j) repealed (6.4.2009) by The Factories Act 1961 and Offices, Shops and Railway Premises Act 1963 (Repeals and Modifications) Regulations 2009 (S.I. 2009/605), regs. 1, **4(2)(b)**
- F19** Words repealed by S.I. 1975/1012, **Sch.**
- F20** S. 126(2)(k) repealed by S.I. 1974/1941, reg. 7, **Sch. 1**

Modifications etc. (not altering text)

- C4** S. 126 amended by Employment Medical Advisory Service Act 1972 (c. 28), **s. 8(1)**

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