



Factories Act 1961

1961 CHAPTER 34

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:—
- (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) the provisions of Part II with respect to the power of the Minister to require special safety arrangements for the prevention of accidents and to the power of a magistrates' court or sheriff to make orders as to dangerous conditions and practices;
 - (d) the provisions of Part III with respect to welfare regulations;
 - (e) the provisions of Part IV with respect to special regulations for safety and health;
 - (f) Part V;

Status: This is the original version (as it was originally enacted).

- (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) the provisions of Part IX with respect to the prohibition of deductions from wages;
- (j) the provisions of Part X with respect to the abstract of this Act and notices, special regulations, general registers (so far as applicable), preservation of registers and records, but subject to such modifications as may be made by regulations of the Minister, and the provisions of Part X with respect to duties of persons employed and with respect to weights, measures and weighing and measuring instruments used in ascertaining wages;
- (k) the provisions of Part XI with respect to powers and duties of inspectors;
- (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 (c), (e), (f), (h), (i), (k), (f) and (m) of subsection (2) of this section; and
- (b) the provisions of sections one hundred and eighteen, one hundred and fifty-one and one hundred and fifty-two of this Act with such adaptations and modifications as may be made by regulations made by the Minister;

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.

(4) Nothing in subsection (3) of this section shall operate—

- (a) to apply the provisions mentioned in paragraphs (a) and (c) of subsection (2) of this section to any machinery or plant which is on board a ship and is the property of the ship owner; or
- (b) to apply the provisions mentioned in paragraph (b) of the said subsection (3) to a member of the crew of a ship.

(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, and the power of a magistrates' court or sheriff to make orders as to dangerous factories 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.

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) the provisions of Part II with respect to the power of a magistrates' court or sheriff to make orders as to dangerous conditions and practices;
 - (c) the provisions of Part III with respect to welfare regulations;
 - (d) the provisions of Part IV with respect to special regulations for safety and health;
 - (e) Part V;
 - (f) the provisions of Part VI with respect to hours of employment (but not with respect to Sunday employment and annual holidays), subject to such modifications as may be made by regulations of the Minister to meet special circumstances;
 - (g) the provisions of sections one hundred and eighteen, one hundred and fifty-one and one hundred and fifty-two of this Act with such adaptations and modifications as may be made by regulations made by the Minister;
 - (h) the provisions of Part IX with respect to the prohibition of deductions from wages ;
 - (j) the provisions of Part X with respect to general registers (so far as applicable), preservation of registers and records, and duties of persons employed ;
 - (k) the provisions of Part XI with respect to powers and duties of inspectors;
 - (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.