



Factories Act 1961

1961 CHAPTER 34

PART VII

SPECIAL APPLICATIONS AND EXTENSIONS

Works of building and engineering construction

127 Building operations and works of engineering construction

(1) Subject to the following provisions of this section, the provisions of this Act specified in subsection (2) of this section shall apply—

- (a) to building operations ; and
- (b) to works of engineering construction ;

undertaken by way of trade or business, or for the purpose of any industrial or commercial undertaking, and to any line or siding which is used in connection therewith and for the purposes thereof and is not part of a railway or tramway.

(2) The said provisions are:—

- (a) the provisions of Part I with respect to sanitary conveniences;
- (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 steam boilers and air receivers and 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;
- (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;

Status: This is the original version (as it was originally enacted).

- (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, and duties of persons employed;
 - (k) the provisions of Part XI with respect to powers and duties of inspectors and district councils;
 - (l) Part XII;
 - (m) Part XIII;
 - (n) Part XIV.
- (3) No order made under the provisions of this Act with respect to the power of a magistrates' court or sheriff to make orders as to dangerous conditions and practices and no special regulations made under Part IV of this Act shall operate so as to interfere with the design of any works of engineering construction or with the adoption in the execution of those works of any method not inconsistent with the safety of the works or of the persons employed which is prescribed in the specification or in any signed plans issued, or written directions given, by a consulting engineer or the engineer in charge.
- (4) The provisions of this Act in their application to building operations or to works of engineering construction shall have effect as if any place where such operations or works are carried on were a factory and any person undertaking any such operations or works to which this Act applies were the occupier of a factory, and with such other adaptations and modifications as may be made by regulations made by the Minister.
- (5) The provisions of this Act requiring general registers to be kept and copies of the prescribed abstract of this Act and of special regulations or the prescribed abstract of such regulations to be kept posted up on the premises shall be deemed to be complied with as respects building operations or works of engineering construction if the register is kept at an office of the person undertaking the operations or works and copies of the abstract of this Act and of the regulations or abstract thereof are kept posted up at each office, yard or shop of the person undertaking the operations or works at which persons employed by him on the operations or works attend, and in a position where they can easily be read by those persons.
- (6) Subject to subsection (7) of this section, any person undertaking any building operations or works of engineering construction to which this Act applies shall, not later than seven days after the beginning thereof, serve on the inspector for the district a written notice stating the name and postal address of that person, the place and nature of the operations or works, whether any mechanical power is used and, if so, its nature, the name of the district council within whose district the operations or works are situated and such other particulars as may be prescribed.
- (7) Subsection (6) of this section shall not apply to any operations or works which the person undertaking them has reasonable grounds for believing will be completed in a period of less than six weeks, except in such cases as the chief inspector may direct; and where a person undertakes any building operations or works of engineering construction in a place where such operations or, as the case may be, works are in progress, he shall not be required to give a notice under that subsection if such a notice was given in respect of the operations or works in progress.
- (8) The application of this Act to any building operations or works of engineering construction by virtue of the foregoing provisions of this section shall not be excluded

by reason of the fact that they are undertaken on premises to which this Act applies apart from those provisions; and nothing in this section shall be taken as prejudicing the application of this Act to those premises apart from this section.