



# Factories Act 1961

## 1961 CHAPTER 34

### PART X

#### NOTICES, RETURNS, RECORDS, DUTIES OF PERSONS EMPLOYED, AND APPLICATION OF WEIGHTS AND MEASURES ACTS

#### **137 Notice of occupation of factory, and use of mechanical power**

- (1) Subject to subsection (3) of this section, every person who begins to occupy or to use any premises as a factory shall, not less than one month before he does so, serve on the inspector for the district a written notice stating the name of the occupier or the title of the firm, the postal address of the factory, the nature of the work, whether mechanical power is to be used and, if so, its nature, the name of the district council within whose district the factory is situated and such other particulars as may be prescribed.
- (2) Subject to subsection (3) of this section, not less than one month before the date on which mechanical power is first used in a factory the occupier shall serve on the inspector for the district a written notice stating the nature of the mechanical power.
- (3) A person may begin to occupy, or to use any premises as, a factory, and mechanical power may be first used in a factory, less than one month after the notice required by the foregoing provisions of (this section has been served, if the inspector of the district gives written permission; and a person may also begin to occupy a factory less than one month after the notice has been served or before serving the notice, if he takes over from another person without changing the nature of the work and the notice is served as soon as practicable and in any case within one month of his taking over.
- (4) If a person begins to occupy, or to use any premises as, a factory before he is entitled to do so under the foregoing provisions of this section, or if a person entitled thereunder to occupy a factory before giving notice fails to give the required notice within the time allowed, he shall be guilty of an offence and liable on conviction thereof to a fine not exceeding forty pounds for the first, and ten pounds for each subsequent, day during which he occupies the factory, or uses the premises as a factory, as aforesaid, or during which he fails to give the notice after the expiration of the time allowed, as the case may be.

- (5) The powers of an inspector under section one hundred and forty-six of this Act shall include power by day to enter, inspect, and examine any premises which are stated in a notice under this section to be intended to be used as a factory, and in relation to any such premises the reference to the occupier of a factory in subsection (2) of that section shall be construed as a reference to the person giving the notice.

### **138 Posting of abstract of Act and notices**

- (1) Subject to subsection (2) of this section, there shall be kept posted at the principal entrances of a factory at which employed persons enter—
- (a) the prescribed abstract of this Act; and
  - (b) a notice of the address of the inspector for the district and the superintending inspector for the division; and
  - (c) a notice of the name and address of the appointed factory doctor for the factory; and
  - (d) a notice specifying the clock (if any) by which the period of employment and intervals for meals and rest in the factory are regulated; and
  - (e) every notice and document required by this Act to be posted in the factory.
- (2) An inspector may direct that all or any of the documents mentioned in subsection (1) of this section shall be posted in such parts of the factory, either in addition to or in substitution for the principal entrances, as he may direct.
- (3) All such documents shall be posted in such characters and in such positions as to be conveniently read -by the persons employed in the factory and, if a form has been prescribed for any document, it shall be posted in that form.
- (4) If any person pulls down, injures or defaces any abstract, notice, regulations or other document posted in pursuance of this Act, he shall be guilty of an offence and liable to a fine not exceeding ten pounds.

### **139 Provisions as to special regulations**

- (1) Printed copies of all special regulations for the time being in force in any factory or the prescribed abstract of such regulations shall be kept posted in the factory in such characters and in such positions as to be conveniently read by the persons employed in the factory.
- (2) A printed copy of all such regulations shall be given by the occupier to any person affected thereby on his application.

### **140 General registers**

- (1) There shall be kept in every factory or in such place outside the factory as may be approved by the inspector for the district, a register in the prescribed form, called the general register, and there shall be entered in or attached to that register—
- (a) the prescribed particulars as to the young persons employed in the factory ; and
  - (b) the prescribed particulars as to the washing, whitewashing or colour washing, painting or varnishing, of the factory; and

- (c) the prescribed particulars as to every accident and case of industrial disease occurring in the factory of which notice is required to be sent to an inspector; and
  - (d) particulars showing every exception under sections ninety-nine to one hundred and thirteen of this Act of which the occupier of the factory avails himself; and
  - (e) all reports and particulars required by any other provision of this Act to be entered in or attached to the general register ; and
  - (f) such other matters as may be prescribed.
- (2) There shall be attached to the general register the certificate of the fire authority relating to means of escape in the case of fire.
- (3) The occupier of a factory shall send to an inspector such extracts from the general register as the inspector may from time to time require for the purpose of the execution of his duties under this Act.

#### **141 Preservation of registers and records**

The general register and every other register or record kept in pursuance of this Act shall be preserved and shall be kept available for inspection by any inspector or by the appointed factory doctor for at least two years, or such other period as may be prescribed for any class or description of register or record, after the date of the last entry in the register or record.

#### **142 Periodical return of persons employed**

- (1) The occupier of every factory shall, at intervals of not less than one year, on or before such days as the Minister may direct, send to the chief inspector a correct return specifying, with respect to such day or days, or such period as the Minister may direct, the number of persons employed in the factory, and giving such particulars as may be prescribed, as to the hours of employment of women and young persons employed, as to the age, sex, and occupation of all persons employed, and as to such other matters, if any, as the Minister may direct.
- (2) The occupier of any place to which any of the provisions of this Act apply shall, if so required by the Minister, make a like return to the chief inspector.
- (3) The Minister may, for the purpose of facilitating the rendering of the returns under this section by occupiers, arrange for the consolidation of those returns with any other returns which any Government department is empowered to call for from occupiers.

#### **143 Duties of persons employed**

- (1) No person employed in a factory or in any other place to which any provisions of this Act apply shall wilfully interfere with or misuse any means, appliance, convenience or other thing provided in pursuance of this Act for securing the health, safety or welfare of the persons employed in the factory or place, and where any means or appliance for securing health or safety is provided for the use of any such person under this Act, he shall use the means or appliance.

- (2) No person employed in a factory or in any other place to which any provisions of this Act apply shall wilfully and without reasonable cause do anything likely to endanger himself or others.

**144    Weights, measures and weighing and measuring instruments used in ascertaining wages**

- (1) Every enactment for the time being in force relating to weights and measures or weighing or measuring instruments shall extend to weights, measures, and weighing instruments used in a factory for the purpose of checking or ascertaining the wages of any person employed therein, in like manner as if they were used for trade, and the power of the Board of Trade to make general regulations under section five of the Weights and Measures Act, 1904, shall include power to extend any of the provisions of any such enactment to such measuring instruments used in factories for the purposes aforesaid as may be specified in the regulations.
- (2) Every inspector or other person authorised under the Acts relating to weights and measures or weighing or measuring instruments to inspect or examine weights and measures shall inspect, stamp, mark, search for, and examine the weights and measures and weighing and measuring instruments to which those Acts are extended by or under this section, and for that purpose shall have the same powers and duties as he has with respect to weights, measures and instruments used for trade.