



Factories Act 1961

1961 CHAPTER 34

PART VII

SPECIAL APPLICATIONS AND EXTENSIONS

Factories occupying parts of buildings

121 Tenement factories-other provisions

- (1) Subject to the following provisions of this section, the owner (whether or not he is one of the occupiers) of a tenement factory shall, instead of the occupier, be responsible for any contravention of the following provisions of this Act, that is to say—
- (a) the provisions of Part I with respect to the drainage of floors, sanitary conveniences, cleanliness, overcrowding, temperature, ventilation and lighting;
 - (b) the provisions of Part II with respect to the provision and maintenance of fencing and safety appliances, the construction, maintenance, testing and examination of machinery or plant, the construction and maintenance of floors, passages and stairs, and the power of a magistrates' court or sheriff to make orders as to dangerous factories;
 - (c) the provisions of Part III;
 - (d) the provisions of Part IV with respect to the removal of dust or fumes;
 - (e) the provisions of Part V ;
 - (f) the provisions of Part VI as to notices fixing the hours of employment and notices relating to exceptions ; and
 - (g) the provisions of Part X as to posting of abstracts and notices;
- and for the purposes of those provisions the whole of a tenement factory shall be deemed to be one factory in the occupation of the owner.
- (2) Subsection (1) of this section does not apply to any contravention arising from the use in a tenement of any fencing, appliances, machinery or plant, if the use is a matter outside the control of the owner.

Status: This is the original version (as it was originally enacted).

- (3) Subsection (1) of this section does not apply to a contravention in rooms occupied by only one tenant—
- (a) of the provisions of Part I with respect to cleanliness, overcrowding, temperature, ventilation and lighting ; or
 - (b) of the provisions of Part IV with respect to removal of dust or fumes;
- unless the contravention arises from a failure to carry out any necessary structural work or from any defect in any machinery, plant or fixtures belonging to the owner; and does not apply to a contravention in any such room of the provisions of Part V.
- (4) Subsection (1) of this section does not apply to a contravention of the provisions of Part III unless it arises from any such failure or defect as is mentioned in subsection (3) of this section.
- (5) Where the occupier of any tenement posts in his tenement a notice with respect to the period of employment, and the intervals for meals or rests or any notice relating to an exception, the notice shall, with respect to persons employed by him, have effect in substitution for the corresponding notice posted by the owner.
- (6) The provisions of this Act shall, so far as they are applicable and have not been applied by the foregoing provisions of this section, apply to any part of a tenement factory which is not comprised within any of the separate factories as if that part were a factory and the owner were the occupier thereof.
- (7) The Minister may by special regulations modify the provisions of this section in their application to any class or description of tenement factory.