



# Factories Act (Northern Ireland) 1965

## 1965 CHAPTER 20

An Act to consolidate the Factories Acts (Northern Ireland) 1938 to 1959, and certain other enactments relating to the safety, health and welfare of employed persons. [4th November 1965]

### PART I

#### HEALTH (GENERAL PROVISIONS)

*Ss. 1#7 rep. by SR 1993/37*

*S. 8 rep. by SR 1985/103*

*Ss. 9, 10 rep. by SRO (NI) 1973/211; SR 1979/246*

#### **[<sup>F1</sup>10A Medical examinations of persons employed in factories.**

- (1) If an employment medical adviser is of opinion that there ought, on grounds mentioned in subsection (2), to be a medical examination of a person or persons employed in a factory, he may serve on the occupier of the factory a written notice stating that he is of that opinion and requiring that the occupier shall permit a medical examination in accordance with this section of the person or persons in question, and the examination shall be permitted accordingly.
- (2) The grounds on which a medical examination of a person may be required by an employment medical adviser's notice under subsection (1) are that (in the adviser's opinion) the person's health has been or is being injured, or it is possible that it has been, is being or will be injured, by reason of the nature of the work he is or has been called upon to do or may (to the adviser's knowledge) be called upon to do; and a notice under that subsection may be given with respect to one or more named persons or to persons of a class or description specified in the notice.
- (3) A notice under subsection (1) shall name the place where the medical examination is to be conducted and, if it is a place other than the factory, the day on which and the time at which it is to be begun; and

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- (a) every person to whom the notice relates shall be informed, as soon as practicable after service thereof, of the contents thereof and of the fact that he is free to attend for the purpose of submitting to the examination; and
  - (b) if the notice states that the examination is to be conducted at the factory, suitable accommodation thereat shall be provided for the conduct of the examination.
- (4) A medical examination conducted in pursuance of a notice under subsection (1) shall be begun within seven days after the day on which the notice is served and shall be conducted by, or in accordance with arrangements made by, an employment medical adviser, and take place at a reasonable time during working hours.
- (5) An employment medical adviser may, by written notice served on the occupier of a factory, cancel a notice served on the occupier under subsection (1); and a notice which relates to two or more named persons may be cancelled either in relation to them all or in relation to any one or more of them.
- (6) In this section, “medical examination” includes pathological, physiological and radiological tests and similar investigations.]

**F1** [1978 NI 9](#)

## 11 Provisions as to workplaces.

- (1) The provisions of section 107 of the Public Health (Ireland) Act 1878 with respect to a factory, workshop or workplace not being kept in a cleanly state or not ventilated, or overcrowded, and the provisions of section 22 of the Public Health Acts Amendment Act 1890 relative to sanitary conveniences in certain buildings shall not apply to any factory to which the foregoing provisions of this Part of this Act apply, but [<sup>F2</sup>, subject to section 72 of the Office and Shop Premises Act (Northern Ireland) 1966 <sup>M1</sup>,] shall apply to any workplace which is not a factory within the meaning of this Act.
- (2) Every workplace within the meaning of the Public Health (Ireland) Act 1878, which is not a factory to which the foregoing provisions of this Act apply, [<sup>F2</sup> or premises to which the Office and Shop Premises Act (Northern Ireland) 1966 applies] must be kept free from noxious effluvia and, unless so kept, shall be deemed to be a nuisance liable to be dealt with summarily under the law relating to public health.
- (3) For the purpose of their duties with respect to such workplaces as aforesaid a [<sup>F3</sup> district council and such officers as it may authorise] shall, without prejudice to their other powers, have such powers of entry, inspection, taking legal proceedings or otherwise as an inspector ... <sup>F4</sup>.

**F2** [1966 c.26 \(NI\)](#)

**F3** [SRO \(NI\) 1973/211](#)

**F4** [SR 1979/246](#)

### Marginal Citations

**M1** [1966 c. 26](#)

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**[<sup>F5</sup>12 Power to require medical supervision.**

(1) Where it appears to the Ministry—

(a) that in any factory or class or description of factory—

(i) cases of illness have occurred which it has reason to believe may be due to the nature of a process or other conditions of work; or

(ii) by reason of changes in any process or in the substances used in any process, or by reason of the introduction of any new process or new substance for use in a process, there may be risk of injury to the health of persons employed in that process; or

*Head (iii) rep. by 1990 NI 2*

(b) that there may be risk of injury to the health of persons employed in a factory—

(i) from any substance or material brought to the factory to be used or handled therein; or

(ii) from any change in the conditions of work or other conditions in the factory;

the Ministry may make special regulations requiring such reasonable arrangements to be made for the medical supervision (not including medical treatment other than first-aid treatment and medical treatment of a preventive character) of the persons, or any class of the persons, employed at that factory or class or description of factory as may be specified in the regulations.

(2) Where the Ministry proposes to exercise its powers under this section in relation to a particular factory and for a limited period, it may exercise those powers by order instead of by special regulations, and any such order shall, subject to subsection (3), cease to have effect at the expiration of such period not exceeding six months from the date when it comes into operation as may be specified in the order.

(3) The Ministry may by subsequent order or orders extend the said period, but if the occupier of the factory by notice in writing to the Ministry objects to any such extension, the original order shall cease to have effect as from one month after the service of the notice, without prejudice to the making of special regulations in relation to the factory.]

**F5** SR 1979/246

**PART II**

**SAFETY (GENERAL PROVISIONS)**

*Ss. 13#18 rep. by SR 1993/19*

*S. 19 rep. by SR 1993/37*

*S. 20 rep. by SR 1993/19*

*Ss. 21, 22 rep. by SR 1997/387*

*Ss. 23, 24 rep. by SR 1999/304*

*S. 25 rep. by SR 2005/279*

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- Ss. 26#28 rep. by SR 1999/304*
- Ss. 29, 30 rep. by SR 1993/37*
- S. 31 rep. by SR 1999/13*
- S. 32 rep. by SR 2003/152*
- Ss. 33, 34 rep. by SR 1991/471*
- S. 35 rep. by SR 2004/222*
- Ss. 36, 37 rep. by SR 1991/471*
- Ss. 38, 39 rep. by SR 2004/222*

**40 Precautions as respects water-sealed gasholders.**

- (1) Every gasholder shall be of sound construction and shall be properly maintained.
- <sup>F6</sup>(2) .....
- (3) In the case of a gasholder of which any lift has been in use for more than twenty years, the internal state of the sheeting shall, at least once in every period of ten years, be examined by a competent person by cutting samples from the crown and sides of the holder or by other sufficient means, and all samples so cut and a report on every such examination signed by the person making it shall be kept available for inspection.
- (4) A record signed by the occupier of the factory or by a responsible official authorised in that behalf showing the date of the construction, as nearly as it can be ascertained, of the oldest lift of every gasholder in the factory shall be kept available for inspection.
- (5) Where there is more than one gasholder in the factory, every gasholder shall be marked in a conspicuous position with a distinguishing number or letter.
- (6) A gasholder shall not be repaired or demolished except under the direct supervision of a person who, by his training and experience and his knowledge of the necessary precautions against risks of explosion and of persons being overcome by gas, is competent to supervise such work.
- (7) In this section “gasholder” means a water-sealed gasholder which has a storage capacity of not less than<sup>F7</sup> 140 cubic metres].

<b>F6</b>	S. 40(2) repealed (1.6.2015) by <a href="#">The Health and Safety (Miscellaneous Repeals, Revocations and Amendments) Regulations (Northern Ireland) 2015 (S.R. 2015/223)</a> , reg. 1(1), <b>Sch.</b> Table 1
<b>F7</b>	SR 1984/283

- Ss. 41#52 rep. by SR 1986/350*
- Ss. 53#55 rep. by SR 1979/246*

**PART III**

**WELFARE (GENERAL PROVISIONS)**

- Ss. 56#59 rep. by SR 1993/37*

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*S. 60 rep. by SR 1982/429*

*S. 61 rep. by SR 1979/246*

## PART IV

### HEALTH, SAFETY AND WELFARE (SPECIAL PROVISIONS AND REGULATIONS)

#### SPECIAL PROVISIONS

*Ss. 62, 63 rep. by SR 1990/374*

*S. 64 rep. by SR 1993/20*

*S. 65 rep. by SR 1979/246*

*S. 66 rep. by SR 1990/374*

#### **67 Humid factories.**

- (1) The occupier of every humid factory shall, on or before the first occasion on which artificial humidity is produced at that factory, give notice thereof in writing to the chief inspector.
- (2) The following provisions of this section shall have effect with respect to every humid factory with respect to which regulations under this Act concerning humidity are not for the time being in force.

[<sup>F8</sup>(2A) In this section—

“dry bulb temperature” means the temperature measured by an accurate and properly maintained thermometer (which may form part of the hygrometer) and any reference in this section to a dry bulb thermometer, or without qualification to a thermometer, shall be taken to be a reference to such a thermometer and a reference without qualification to temperature shall be taken to be a reference to the dry bulb temperature;

“hygrometer” means an accurate and properly maintained and calibrated instrument for the measurement of the relative humidity in the workplace;

“wet bulb temperature” means either—

- (a) the temperature indicated by the wet bulb of a static hygrometer which relies on natural circulation of air around the thermometers; or
- (b) the temperature calculated from the dry bulb temperature and relative humidity by the method approved for the time being by [<sup>F9</sup> the Health and Safety Executive for Northern Ireland],

and any reference in this section to the reading of the wet bulb thermometer shall be treated as a reference to the wet bulb temperature.]

- (3) There shall be provided and maintained in every room in which artificial humidity is produced two hygrometers [<sup>F8</sup> and a thermometer close to each hygrometer] [<sup>F8</sup> . . . , and—

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- (a) one of the hygrometers shall be<sup>[F8]</sup> placed] in the centre and the other at the side of the room, or in such other position as may be directed or sanctioned by an inspector, so as to be plainly visible to the persons employed;

*Para. (b) rep. by SR 1992/461*

- (c) the occupier or other person authorised for the purpose shall read the hygrometers<sup>[F8]</sup> and the thermometers] between ten and eleven o'clock in the morning on every day on which any persons are employed in the room in the morning and between three and four o'clock in the afternoon on every day on which any persons are employed in the room in the afternoon, and when persons are employed before six o'clock in the morning or after eight o'clock in the evening, at such other times as may be directed by the chief inspector, and shall enter the readings on a record,<sup>F8</sup> . . . ;
- <sup>[F8]</sup>(d) the records of the wet bulb temperature or temperature and hygrometer readings shall be kept by the occupier for at least two years from when they were made and the occupier shall give his employees immediate access to those records on request together with such information as is necessary for their interpretation.]
- (4) There shall be no artificial humidification in any room at any time when the reading of the wet bulb thermometer exceeds<sup>[F10]</sup> 22.5 degrees Celsius], or, in the case of a room in which the spinning of cotton or the spinning of merino or cashmere by the French or dry process or the spinning or combing of wool by that process is carried on,<sup>[F10]</sup> 26.5 degrees Celsius].
- (5) There shall be no artificial humidification in any room at any time when the difference between the readings of the dry and wet bulb thermometers is less than that indicated<sup>[F8]</sup> in Schedule 1].
- (6) Any water which is liable to cause injury to the health of the person employed, or to yield effluvia, shall not be used for artificial humidification, and for the purposes of this subsection any water which absorbs from acid solution of permanganate of potash in four hours at<sup>[F10]</sup> 16 degrees Celsius] more than<sup>[F10]</sup> 7 milligrams per litre of water] shall be deemed to be liable to cause injury to the health of the persons employed.
- (7) The chief inspector may direct in writing, in the case of any factory or any room in a factory, that only one hygrometer,<sup>[F8]</sup> and one thermometer close to it placed] in such position as may be directed by an inspector, need be provided instead of two hygrometers<sup>[F8]</sup> and thermometers placed] as mentioned in subsection (3)( a).
- (8) Where in respect of any room notice has been given in the prescribed manner to the chief inspector that it is intended that the humidity of the atmosphere should never be greater than will maintain a difference of at least<sup>[F10]</sup> 2 degrees Celsius] between the readings of the dry and wet bulb thermometers, the provisions of subsection (3) ( c) and ( d) shall not apply as respects that room so long as at least that difference is maintained<sup>F8</sup> . . . .

<b>F8</b>	SR 1992/461
<b>F9</b>	SR 1999/150
<b>F10</b>	SR 1984/283

*S. 68 rep. by SR 1993/37*

*S. 69 rep. by SRO (NI) 1973/211; SR 1979/246*

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*S. 70 rep. by SR 1979/246*

*S. 71 rep. by SR 1992/535*

*S. 72(1) rep. by 1990 NI 2; subs. (2) rep. by SR 1979/246*

*S. 73 rep. by SR 1998/281*

*S. 74 rep. by SR 1986/36*

*S. 75 rep. by SR 1979/246*

*Ss. 76, 77 rep. by SR 1990/374*

## PART V

### NOTIFICATION AND INVESTIGATION OF ACCIDENTS AND INDUSTRIAL DISEASES

*S. 78 rep. by SR 1981/339*

*S. 79 rep. by SR 1979/246*

*S. 80 rep. by SR 1986/247*

#### **81 Inquest in case of death by accident or industrial disease.**

- (1) Where a coroner holds an inquest on the body of any person whose death may have been caused by any accident or disease of which notice is required by this Act to be given, the coroner shall adjourn the inquest unless an inspector or some person on behalf of the Ministry is present to watch the proceedings, and shall, at least four days before holding the adjourned inquest, send to the chief inspector notice in writing of the time and place of the adjourned inquest; but—
  - (a) the coroner, before the adjournment, may take evidence to identify the body, and may order its interment; and
  - (b) if the inquest relates to the death of not more than one person, and the coroner has sent to the chief inspector notice of the time and place of the inquest at such time as to reach the chief inspector not less than twenty-four hours before the time of the inquest, he need not adjourn the inquest if the majority of the jury think the adjournment unnecessary.
- (2) The following provisions shall have effect with respect to any such inquest:—
  - (a) no person having a personal interest in or employed in or about or in the management of the factory in or about which the accident occurred or the disease was contracted shall be qualified to serve on the jury and the constable or other officer shall not summon any person disqualified under this provision and the coroner shall not allow any such person to be sworn or to sit on the jury;
  - (b) the following persons shall, subject to the power of the coroner to disallow any question which in his opinion is not relevant or is otherwise not a proper question, be entitled to examine any witness either in person or by counsel or solicitor, that is to say, an inspector, any relation of the person in respect of whose death the inquest is being held, the occupier of the factory, any person appointed by the order in writing of the majority of the persons employed in

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the factory, and any person appointed in writing by any trade union, friendly society or other association of persons to which the deceased at the time of his death belonged or to which any person employed in the factory belongs, or by any association of employers of which the occupier is a member.

- (3) Where evidence is given at any such inquest at which an inspector is not present of any neglect as having caused or contributed to the accident or disease, or of any defect in or about the factory appearing to the coroner or jury to require a remedy, the coroner shall send to the chief inspector notice in writing of the neglect or defect.

*S. 82 rep. by SR 1979/246*

*S. 83 rep. by 1978 NI 9*

## PART VI

### EMPLOYMENT OF WOMEN, YOUNG PERSONS AND CHILDREN

#### PROHIBITION OF EMPLOYMENT OF CHILDREN AND OF WOMEN AFTER CHILDBIRTH

#### **84 Prohibition of employment of children.**

- (1) A child shall not be employed in any factory.
- (2) In this Act “child” means a person who has not attained the upper limit of compulsory school age within the meaning of [<sup>F11</sup> Article 36 of the Education and Libraries (Northern Ireland) Order 1972].

<b>F11</b> SRO (NI) 1973/211
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#### **85 Prohibition of employment of women after childbirth.**

An occupier of a factory shall not knowingly allow a woman or girl to be employed therein within four weeks after she has given birth to a child.

*Ss. 86#94 rep. by 1990 NI 2*

*S. 95 rep. by 1988 NI 13*

*Ss. 96#108 rep. by 1990 NI 2*

*S. 109 rep. by 1988 NI 13*

*Ss. 110#114 rep. by 1990 NI 2*



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## EXEMPTIONS IN INTEREST OF EFFICIENCY OF INDUSTRY OR TRANSPORT

### 115<sup>F12</sup> Exceptions from provisions regulating hours of employment.

- (1) Where the Ministry is satisfied, on an application made to the Ministry in that behalf, that it is desirable in the public interest to do so for the purpose of maintaining or increasing the efficiency of industry, the Ministry may, after such consultations as the Ministry may think appropriate or as may be required under subsection (4), exempt the employment of persons<sup>F13</sup> (other than children) from<sup>F13</sup> . . .,—

*Paras. (a), (b) rep. by 1990 NI 2*

<sup>F13</sup> . . . the Hours of Employment (Conventions) Act 1936 .

- (2) An exemption under this section extending only to particular persons or a particular employment or to a class of persons or employment defined by reference to particular premises or to work supervised from particular premises, and any exemption under this section for a particular day or particular days only, shall be granted by order, to be known as a special exemption order, and any other exemption under this section shall be granted by special regulations, to be known as general exemption regulations.
- (3) An exemption granted by a special exemption order shall not be for more than one year, without prejudice however to the granting of the like exemption for further periods by further special exemption orders.
- (4) The Ministry shall not make general exemption regulations except—
- (a) on the application of a joint industrial council, conciliation board or other similar body constituted by organisations which appear to the Ministry to be representative respectively of workers and employers concerned; or

*Para. (b) rep. by 1993 NI 11*

- (c) on the joint application of an organisation which appears to the Ministry to be representative of employers concerned and of an organisation which appears to the Ministry to be representative of workers concerned; or
- (d) on the application of an organisation which appears to the Ministry to be representative of employers concerned and after consulting an organisation which appears to the Ministry to be representative of workers concerned; or
- (e) on the application of an organisation which appears to the Ministry to be representative of workers concerned and after consulting an organisation which appears to the Ministry to be representative of employers concerned.
- (5) The Ministry shall publish in the Belfast Gazette such particulars of special exemption orders as the Ministry considers appropriate.

**F12** SR 1979/246

**F13** 1990 NI 2

## CERTIFICATE OF FITNESS FOR EMPLOYMENT OF YOUNG PERSONS

*S. 116 rep. by 1972 NI 14; 1978 NI 9*

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*Changes to legislation: There are currently no known outstanding effects for the Factories Act (Northern Ireland) 1965. (See end of Document for details)*

### **117 Power of inspector to require certificate of fitness for work.**

Where an inspector is of opinion that the employment of a young person in a factory or in a particular process or kind of work in a factory is prejudicial to his health or the health of other persons, the Ministry may serve written notice on the occupier of the factory informing him thereof and requiring that the employment of that young person in the factory or in the process or kind of work, as the case may be, be discontinued after the period named in the notice (which shall not be less than one nor more than seven days after the service of the notice) and the occupier shall not continue after that period to employ the young person ...<sup>F14</sup> unless the appointed factory doctor [<sup>F15</sup> or an employment medical adviser] has, after the service of the notice, personally examined the young person and certified that he is fit for employment in the factory or in the process or kind of work, as the case may be.

**F14** 1978 NI 9

**F15** 1978 NI 9

*S. 117A rep. by 1990 NI 2*

## **PART VII**

### **SPECIAL APPLICATIONS AND EXTENSIONS**

#### **FACTORIES OCCUPYING PARTS OF BUILDINGS**

*S. 118 rep. by SR 1986/350*

### **119 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, ...<sup>F16</sup>;
- (c) the provisions of Part III;

*Para. (d) rep. by SR 1990/374*

- (e) the provisions of Part V;

*Para. (f) rep. by 1990 NI 2*

*Para. (g) rep. by SR 1996/512*

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.

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- (2) Subsection (1) 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.
- (3) Subsection (1) 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

*Para. (b) rep. by SR 1990/374*

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) 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).

*Subs. (5) rep. by 1990 NI 2*

- (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.

*Subs. (7) rep. by SR 1979/246*

**F16** SR 1979/246

## **120 Parts of buildings let off as separate factories— other provisions.**

- (1) Where a part of a building is let off as a separate factory but is not part of a tenement factory,—
- (a) the provisions of this Act specified in subsection (2)(a) and (b) shall apply to any part of the building used for the purposes of the factory but not comprised therein;
- (b) subject to subsections (4) and (5), the owner of the building shall be responsible for any contravention of the provisions specified in subsection (2)(a) as so applying; and
- (c) subject to subsection (5), the owner of the building shall be responsible, instead of the occupier, for any contravention as respects the factory, of the provisions specified in subsection (2)(c).
- (2) The said provisions are—
- (a) the provisions of Part I with respect to cleanliness and lighting, and the provisions of Part II with respect to prime movers, transmission machinery, hoists and lifts, chains, ropes and lifting tackle, cranes and other lifting machines, the construction and maintenance of floors, passages and stairs, the keeping free from obstruction and slippery substances of floors, steps, stairs, passages and gangways,<sup>F17</sup> . . . ;

*Para. (b) rep. by SR 1979/246*

- (c) the provisions of Part I with respect to sanitary conveniences and the provisions of Part II with respect to hoists and lifts.

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- (3) For the purposes of the provisions applied by the foregoing provisions of this section, lifting machines attached to the outside of the building, and chains, ropes and lifting tackle used in connection with those machines, shall be treated as being in the building, but any lifting machine not used for the purposes of the factory, and any chains, ropes or lifting tackle not used in connection with a lifting machine so used, shall be disregarded.
- (4) For any contravention (whether as respects the factory or otherwise) of the provisions of Part II with respect to chains, ropes and lifting tackle, cranes and other lifting machines,<sup>F17</sup> . . .
- (a) the occupier of the factory shall be responsible if it is a contravention with respect to any machinery or plant belonging to or supplied by him; and
  - (b) the owner of the building shall be responsible in any other case;
- except that the owner shall not be responsible for a contravention of those provisions in so far as they relate to matters outside his control, and for any such contravention as respects the factory the occupier shall be responsible.
- (5) The owner shall be responsible by virtue of this section—
- (a) for the cleanliness of sanitary conveniences only when used in common by several tenants; and
  - (b) for a contravention of the provisions relating to hoists and lifts only so far as those provisions relate to matters within his control.

*Subs. (6) rep. by SR 1979/246*

- (7)<sup>F18</sup> . . . . .

**F17** SR 1991/471

**F18** S. 120(7) repealed (31.10.2011) by [Factories Act \(Northern Ireland\) 1965 and Office and Shop Premises Act \(Northern Ireland\) 1966 \(Repeals and Modifications\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/283\)](#), [reg. 4\(2\)\(a\)](#)

## ELECTRICAL STATIONS.

### 121<sup>F19</sup> Application of Act to electrical stations.

- (1) The provisions of this Act shall apply to any premises in which persons are regularly employed in or in connection with the processes or operations of generating, transforming or converting, or of switching, controlling or otherwise regulating, electrical energy for supply by way of trade, or for supply for the purposes of any transport undertaking or other industrial or commercial undertaking or of any public building or public institution, or for supply to streets or other public places, as if the premises were a factory and the employer of any person employed in the premises in or in connection with any such process or operation were the occupier of a factory.
- (2) Where any such process or operation is carried on or performed for such a supply as is mentioned in subsection (1) but in other premises than those mentioned therein, then, if the premises are large enough to admit the entrance of a person after the machinery or plant therein is in position, the following provisions of this Act shall apply to the premises as if they were a factory and the employer of any person employed therein in

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or in connection with any such process or operation were the occupier of the factory, that is to say,—

- (a) the provisions of sections 50 and 51 so far as they enable the Ministry to make regulations;

*Para. (b) rep. by SR 1979/246*

- (c) Part V;

*Para. (d) rep. by SR 1979/246*

- (e) Part XII;
- (f) Part XIII;
- (g) Part XIV.

- (3) The Ministry may by special regulations apply any of the provisions mentioned in subsection (2) to any machinery or plant used—

- (a) in such processes or operations as are mentioned in subsection (1) and for such a supply as is mentioned therein; but
- (b) elsewhere than in such premises as are mentioned in subsection (1) or subsection (2),

as if the machinery or plant were machinery or plant in a factory, and the employer of any person employed in connection with any such use of the machinery or plant were the occupier of a factory.

- (4) Subsections (1) and (2) shall not, except in so far as the Ministry may by special regulations direct, apply to any premises where the said processes or operations are only carried on or performed for the immediate purpose of working an electric motor or working any apparatus which consumes electrical energy for lighting, heating, transmitting or receiving messages or communications, or other purposes.

**F19** SR 1979/246

## INSTITUTIONS

### 122 Institutions.

- (1) Where, in any premises forming part of an institution carried on for charitable or reformatory purposes, any manual labour is exercised in or incidental to the making, altering, repairing, ornamenting, finishing, washing, cleaning or adapting for sale, of articles not intended for the use of the institution, but the premises do not constitute a factory, the provisions of this Act shall nevertheless apply to the premises, ...<sup>F20</sup>.

*Subs. (2)(3) rep. by SR 1979/246*

**F20** SR 1979/246

*Status: Point in time view as at 01/08/2016.*

*Changes to legislation: There are currently no known outstanding effects for the Factories Act (Northern Ireland) 1965. (See end of Document for details)*

## DOCKS, WHARVES, QUAYS, WAREHOUSES AND SHIPS

### 123 Docks, etc.

(1) The provisions of this Act specified in subsection (2) shall apply to every dock, wharf or quay (including any warehouse belonging to the owners, trustees or commissioners 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:—

*Para. (a) rep. by SR 1991/471*

<sup>F21</sup>(aa) the provisions of [<sup>F22</sup> section 10A];]

- (b) the provisions of sections 50 and 51 so far as they enable the Ministry to make regulations;

*Paras. (c)#(e) rep. by SR 1979/246*

- (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 Ministry;

*Para. (h) rep. by SR 1979/246*

(j) <sup>F23</sup> the provisions of Part X with respect to <sup>F24</sup> . . . <sup>F25</sup> . . . , <sup>F26</sup> . . . , preservation of registers and records, but subject to such modifications as may be made by regulations of the Ministry . . . <sup>F27</sup>;

*Para. (k) rep. by SR 1979/246*

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

(3) Subject to subsection (4),—

- (a) the provisions of this Act mentioned in paragraph ( a ) (subject to the modification mentioned in that paragraph) and in paragraphs . . . <sup>F28</sup> , ( f ) , . . . <sup>F28</sup> , ( j ) , . . . <sup>F28</sup> , ( l ) and ( m ) of sub-section (2); and

<sup>F29</sup>(b) the provisions of [<sup>F22</sup> section 10A];]

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.

[<sup>F30</sup>(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 Article 2 of the Health and Safety at Work (Northern Ireland) Order 1978.)]

*Status: Point in time view as at 01/08/2016.*

*Changes to legislation: There are currently no known outstanding effects for the Factories Act (Northern Ireland) 1965. (See end of Document for details)*

- (5) In subsections (3) and (4) “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 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, ...<sup>F28</sup> shall apply to every warehouse mentioned in subsection (1) as if the warehouse were a factory and the person having the actual use or occupation thereof were the occupier of a factory<sup>F30</sup>, 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.]
- [<sup>F30</sup>(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 intended to be used or occupied, for those or incidental activities, and any part of a ship when used for those or incidental activities.]
- [<sup>F30</sup>(10)] This Act shall not apply to any dock, wharf or quay adjacent to and belonging to a quarry within the meaning of the Quarries Act (Northern Ireland) 1927 and used exclusively for purposes connected with such quarry.

**F21** 1978 NI 9

**F22** 1990 NI 2

**F23** Mod., SR 1979/246

**F24** SR 1991/105

**F25** SR 1996/512

**F26** Words in s. 123(2)(j) repealed (31.10.2011) by [Factories Act \(Northern Ireland\) 1965 and Office and Shop Premises Act \(Northern Ireland\) 1966 \(Repeals and Modifications\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/283\)](#), [reg. 4\(2\)\(b\)](#)

**F27** 1967 c.6 (NI); SR 1979/246

**F28** SR 1979/246

**F29** 1978 NI 9

**F30** SR 1989/320

*Status: Point in time view as at 01/08/2016.*

*Changes to legislation: There are currently no known outstanding effects for the Factories Act (Northern Ireland) 1965. (See end of Document for details)*

## 124 Ships.

- (1) Subject to subsection (3), the provisions of this Act specified in subsection (2) 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, scurfing 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 Ministry 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 50 and 51 so far as they enable the Ministry to make regulations;
  - <sup>F31</sup>(aa) the provisions of [<sup>F32</sup> section 10A] ;]
- Paras. (b)#(d) rep. by SR 1979/246*
- (e) Part V;  
*Para. (f) rep. by 1990 NI 2*  
*Para. (g) rep. by 1978 NI 9*  
*Para. (h) rep. by SR 1979/246*
  - (j) the provisions of Part X with respect to <sup>F33</sup> . . . , preservation of registers and records, . . . <sup>F34</sup>,
- Para. (k) rep. by SR 1979/246*
- (l) Part XII;
  - (m) Part XIV.
- (3) Nothing in this Act shall apply to any such work as is mentioned in subsection (1) which is done by the master or crew of a ship or done on board a ship during a trial run.

**F31** 1978 NI 9

**F32** 1990 NI 2

**F33** Words in s. 124(2)(j) repealed (31.10.2011) by [Factories Act \(Northern Ireland\) 1965 and Office and Shop Premises Act \(Northern Ireland\) 1966 \(Repeals and Modifications\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/283\)](#), [reg. 4\(2\)\(b\)](#)

**F34** SR 1979/246

## WORKS OF BUILDING AND ENGINEERING CONSTRUCTION

### 125 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) shall apply—
- (a) to building operations; and
  - (b) to works of engineering construction;



*Status: Point in time view as at 01/08/2016.*

*Changes to legislation: There are currently no known outstanding effects for the Factories Act (Northern Ireland) 1965. (See end of Document for details)*

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;
- <sup>F35</sup>(aa) the provisions of [<sup>F36</sup> section 10A] ;]
- (b) the provisions of sections 50 and 51 so far as they enable the Ministry to make regulations;  
*Para. (c) rep. by SR 1991/471*  
*Paras. (d)(e) rep. by SR 1979/246*
- (f) Part V;  
*Para. (g) rep. by 1978 NI 9*  
*Para. (h) rep. by SR 1979/246*
- (j) <sup>F37</sup> the provisions of Part X with respect to <sup>F38</sup> . . . <sup>F39</sup> . . . , <sup>F40</sup> . . . , preservation of registers and records, . . . <sup>F41</sup>;
- (k) the provisions of Part XI with respect to . . . <sup>F41</sup> duties . . . <sup>F41</sup> of [<sup>F42</sup> district councils and of the<sup>F43</sup> Director of Public Health for Northern Ireland];]
- (l) Part XII;
- (m) Part XIII;
- (n) Part XIV.

*Subs. (3) rep. by SR 1996/510*

(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 Ministry.

(5) <sup>F37</sup> The provisions of this Act requiring <sup>F44</sup> . . . registers to be kept<sup>F39</sup> . . . 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<sup>F39</sup> . . . .

*Subs. (6), (7) rep. by SR 1995/209*

(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.

**F35** 1978 NI 9

**F36** 1990 NI 2

**F37** Mod., SR 1979/246

**F38** SR 1991/105

**F39** SR 1996/512

**F40** Words in s. 125(2)(j) repealed (31.10.2011) by [Factories Act \(Northern Ireland\) 1965 and Office and Shop Premises Act \(Northern Ireland\) 1966 \(Repeals and Modifications\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/283\)](#), [reg. 4\(2\)\(b\)](#)

**F41** SR 1979/246

*Status: Point in time view as at 01/08/2016.*

*Changes to legislation: There are currently no known outstanding effects for the Factories Act (Northern Ireland) 1965. (See end of Document for details)*

- F42** SRO (NI) 1973/211
- F43** Words in s. 125(2) amended by S.I. 1991/194 (N.I. 1), art. 32(1A) (as substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 13(11)**; S.R. 2009/114, **art. 2**)
- F44** Word in s. 125(5) repealed (31.10.2011) by Factories Act (Northern Ireland) 1965 and Office and Shop Premises Act (Northern Ireland) 1966 (Repeals and Modifications) Regulations (Northern Ireland) 2011 (S.R. 2011/283), **reg. 4(2)(c)**

*S. 126 rep. by SR 1998/281*

*Ss. 127, 128 rep. by SR 1986/36*

*S. 129 rep. by SR 1998/281*

*S. 130 rep. by SR 1998/281*

*Part VIII (Ss. 131#134) rep. by SR 1996/21*

## PART IX

### WAGES

*Ss. 135, 135A rep. by 1988 NI 7*

*S. 136 rep. by SR 1979/246*

## 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.**

**F45** .....

- F45** S. 137 repealed (31.10.2011) by Factories Act (Northern Ireland) 1965 and Office and Shop Premises Act (Northern Ireland) 1966 (Repeals and Modifications) Regulations (Northern Ireland) 2011 (S.R. 2011/283), **reg. 2(1)**

*Ss. 138, 139 rep. by SR 1996/512*

#### **140 General registers.**

**F46** .....

- F46** S. 140 repealed (31.10.2011) by Factories Act (Northern Ireland) 1965 and Office and Shop Premises Act (Northern Ireland) 1966 (Repeals and Modifications) Regulations (Northern Ireland) 2011 (S.R. 2011/283), **reg. 3(1)** (with reg. 3(3))

*Status: Point in time view as at 01/08/2016.*

*Changes to legislation: There are currently no known outstanding effects for the Factories Act (Northern Ireland) 1965. (See end of Document for details)*

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

[<sup>F47</sup>Any register] or record kept in pursuance of this Act shall be preserved and shall be kept available for inspection by any inspector or by [<sup>F48</sup>an employment medical adviser] 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.

**F47** Words in s. 141 substituted (31.10.2011) by [Factories Act \(Northern Ireland\) 1965 and Office and Shop Premises Act \(Northern Ireland\) 1966 \(Repeals and Modifications\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/283\)](#), **reg. 3(2)** (with reg. 3(4)(5))

**F48** 1978 NI 9

*Ss. 142, 143 rep. by SR 1979/246*

*S. 144 rep. by 1967 c.6 (NI)*

## **PART XI**

### **ADMINISTRATION**

*S. 145 rep. by SR 1979/246*

*Ss. 146#148 rep. by SR 1986/350*

*Ss. 149, 150 rep. by SR 1979/246*

*Ss. 151, 152 rep. by 1978 NI 9*

*S. 153 rep. by SR 1985/103*

## **154 Prohibition of disclosure of information.**

If any person who, in pursuance of powers conferred by section 148 or section 153, is admitted into any factory or place discloses to any person any information obtained by him in the factory or place with regard to any manufacturing process or trade secret, he shall, unless the disclosure was made in the performance of his duty, be guilty of an offence ...<sup>F49</sup>.

**F49** SR 1979/246

## **PART XII**

### **OFFENCES, PENALTIES AND LEGAL PROCEEDINGS**

## **155 Offences.**

- (1) In the event of any contravention in or in connection with or in relation to a factory of the provisions of this Act, or of any regulation or order made thereunder, the occupier, or (if the contravention is one in respect of which the owner is by or under this Act made responsible) the owner, of the factory shall, subject to the following provisions of this Part, be guilty of an offence.

*Status: Point in time view as at 01/08/2016.*

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- (2) In the event ...<sup>F50</sup> of a contravention by any person of any regulation or order made under this Act which expressly imposes any duty upon him, that person shall be guilty of an offence and the occupier or owner, as the case may be, shall not be guilty of an offence, by reason only of ...<sup>F50</sup> the contravention of the provision imposing the said duty, ...<sup>F50</sup>, unless it is proved that he failed to take all reasonable steps to prevent the contravention; but this subsection shall not be taken as affecting any liability of the occupier or owner in respect of the same matters by virtue of some provision other than the provisions or provision aforesaid.
- (3) If the occupier of a factory avails himself of any exception allowed by or under this Act and fails to comply with any of the conditions attached to the exception, he shall be deemed to have contravened the provisions of this Act.
- (4) If any persons are employed in a factory otherwise than in accordance with the provisions of this Act or of any regulation or order made thereunder, there shall be deemed to be a separate contravention in respect of each person so employed.
- (5) Where an offence under this Act committed by a company is proved to have been committed with the consent or connivance of, or to have been facilitated by any neglect on the part of, any director, manager, secretary or other officer of the company, he, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

**F50** SR 1979/246

*S. 156 rep. by SR 1986/350*

**[<sup>F51</sup>157 Power of court to order cause of contravention to be remedied.**

Where the occupier or owner of a factory is convicted of an offence under this Act, the court may, in addition to or instead of inflicting a fine, order him, within the time specified in the order, to take such steps as may be so specified for remedying the matters in respect of which the contravention occurred, and may, on application, enlarge the time so specified, and where such an order is made, the occupier or owner shall not be liable under this Act in respect of the continuation of the contravention during the time allowed by the court, but if, after the expiration of that time as originally specified or enlarged by subsequent order, the order is not complied with, the occupier or owner, as the case may be, shall be liable to a fine not exceeding ten pounds for each day on which the non-compliance continues.]

**F51** SR 1979/246

**158 Fine for offence by parent.**

If a young person is employed in any factory in contravention of the provisions of this Act, the parent of the young person shall be guilty of an offence and liable [<sup>F52</sup> on summary conviction] to a fine not exceeding [<sup>F53</sup> level 1 on the standard scale], unless it appears to the court that the contravention occurred without the consent, connivance, or wilful default of the parent.

**F52** SR 1979/246

*Status: Point in time view as at 01/08/2016.*

*Changes to legislation: There are currently no known outstanding effects for the Factories Act (Northern Ireland) 1965. (See end of Document for details)*

**F53** 1984 NI 3

*S. 159 rep. by SR 1979/246*

*Ss. 160, 161 rep. by SR 1986/350*

## **162 Proceedings against persons not primarily liable.**

Where, under this Act, any person is substituted for another with respect to any provisions of this Act, any order, summons, notice or proceeding which for the purpose of any of those provisions is by or under this Act required or authorised to be served on or taken in relation to that other person, is hereby required or authorised (as the case may be) to be served on or taken in relation to the first-mentioned person.

## **163 Owner of machine liable in certain cases instead of occupier.**

Where in a factory the owner or hirer of a machine or implement moved by mechanical power is some person other than the occupier of the factory, the owner or hirer shall, so far as respects any offence under this Act committed in relation to a person who is employed in or about or in connection with that machine or implement, and is in the employment or pay of the owner or hirer, be deemed to be the occupier of the factory.

## **164 Prosecution of offences and recovery of fines.**

*Subs. (1)(2) rep. by SR 1986/350*

*Subs. (3)(4) rep. by SR 1979/246*

<sup>F54</sup>(5) Where any offence is committed under this Act by reason of a failure to make an examination, enter a report, or do any other thing, at or within a time specified by this Act or any regulation or order made thereunder, the offence shall be deemed to continue until the examination is made, or the report entered, or the other thing done, as the case may be.]

**F54** SR 1979/246

*S. 165 rep. by SR 1986/350*

## **166 Special provisions as to evidence.**

- (1) If a person is found in a factory at any time at which work is going on or the machinery is in motion, except during the intervals for meals or rest, he shall, until the contrary is proved, be deemed for the purposes of this Act to have been then employed in the factory, unless the factory is one in which the only persons employed are members of the same family dwelling there.
- (2) Where in any proceedings under this Act with respect to a young person it appears to the court that that young person is apparently of or below the age alleged by the informant, it shall lie on the defendant to prove that the young person is not of or below that age.
- <sup>F55</sup>(3) Where any entry is required by this Act or by any order or regulations made thereunder to be made in the general register or in any other register or record, the entry made by the occupier of a factory or on his behalf shall, as against him, be admissible as

*Status: Point in time view as at 01/08/2016.*

*Changes to legislation: There are currently no known outstanding effects for the Factories Act (Northern Ireland) 1965. (See end of Document for details)*

evidence of the facts therein stated, and the fact that any entry so required with respect to the observance of any provision of this Act or of any order or regulation made thereunder has not been made, shall be admissible as evidence that that provision has not been observed.]

F55 SR 1979/246

### 167 Proceedings for offences in respect of the employment of children.

For the purposes of any proceedings under this Act in respect of the employment of children in contravention of section 84 of this Act, or section one of the Employment of Women, Young Persons, and Children Act, 1920 <sup>M2</sup>, or any other enactment prohibiting the employment of children which is incorporated with this Act, references in this Part of this Act to young persons shall be construed as including references to children within the meaning of any such enactment.

#### Marginal Citations

M2 1920 c. 65

### 168 Service of documents, etc.

- (1) Any document (including any summons or order) required or authorised to be served under this Act may be served—
  - (a) on any person by delivering it to him, or by leaving it at, or sending it by post to, his residence;
  - (b) on any firm by delivering it to any partner of the firm, or by leaving it at, or sending it by post to, the office of the firm;
  - (c) on the owner or occupier of a factory (including any such owner or occupier<sup>F56</sup> that is a company as defined in section 1(1) of the Companies Act 2006]), in any such manner as aforesaid, or by delivering it, or a true copy thereof, to any person apparently not under the age of sixteen years at the factory.
- (2) Any such document may be addressed for the purpose of the service thereof on the occupier of a factory, to “the occupier” at the proper postal address of the factory, without further name or description.
- (3) The foregoing provisions of this section shall apply with the necessary modifications to documents required or authorised under this Act to be sent to any person, firm, owner or occupier, and to the sending, addressing, and delivery of such documents.

F56 Words in s. 168(1)(c) substituted (1.10.2009) by Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 2(1), Sch. 1 para. 15 (with art. 10)

### 169 Power of county court to modify agreements.

If by reason of an agreement between the owner and the occupier of premises the whole or any part of which has been let as a factory the owner or occupier is prevented from

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*Status: Point in time view as at 01/08/2016.*

*Changes to legislation: There are currently no known outstanding effects for the Factories Act (Northern Ireland) 1965. (See end of Document for details)*

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carrying out any structural or other alterations in the premises which are necessary to enable him to comply with the provisions of this Act or of any regulation or order made under this Act or in order to conform with any standard or requirement imposed by or under this Act, he may apply to the county court, and the court, after hearing the parties and any witnesses whom they desire to call, may make such an order setting aside or modifying the terms of the agreement as the court considers just and equitable in the circumstances of the case.

#### **170 Power of county court to apportion expenses.**

Where in any premises the whole or any part of which has been let as a factory any structural or other alterations are required in order to comply with the provisions of this Act or of any regulation or order made under this Act or in order to conform with any standard or requirement imposed by or under this Act and the owner or occupier as the case may be alleges that the whole or part of the expenses of the alterations ought to be borne by the occupier or owner, the owner or occupier may apply to the county court, and the court, after hearing the parties and any witnesses whom they may desire to call, may make such an order concerning the expenses or their apportionment as the court considers just and equitable in the circumstances of the case, regard being had to the terms of any contract between the parties, or in the alternative the court may at the request of the owner or occupier determine the lease.

#### **171 Application of Arbitration Act (Northern Ireland) 1937 (c.8)**

[<sup>F57</sup>Part I of the Arbitration Act 1996] shall not apply to proceedings under this Act except in so far as it may be applied by regulations made under this Act.

**F57** 1996 c. 23

### **PART XIII**

#### **APPLICATION OF ACT**

#### **172 General application.**

Save as in this Act otherwise expressly provided, the provisions of this Act shall apply only to factories as defined by this Act, but shall, except where the contrary intention appears, apply to all such factories.

#### **173 <sup>F58</sup> Application to Crown.**

- (1) This Act applies to factories belonging to or in the occupation of the Crown, to building operations and works of engineering construction undertaken by or on behalf of the Crown, and to the employment by or under the Crown of persons in painting buildings; but in case of any public emergency the Ministry may, by order, to the extent and during the period named in the order exempt from this Act any factory belonging to the Crown or any building operations or works of engineering construction undertaken by or on behalf of the Crown, or any factory in respect of work which is being done on behalf of the Crown.

*Status: Point in time view as at 01/08/2016.*

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- (2) [<sup>F59</sup> The duties under this Act of] ...<sup>F60</sup> a district council ...<sup>F60</sup> or the [<sup>F61</sup> fire authority] shall, in the case of a factory belonging to or in the occupation of the Crown, or building operations or works of engineering construction undertaken by or on behalf of the Crown, be exercised by an inspector under this Act; and any notice required by this Act to be sent to ...<sup>F60</sup> a district council ...<sup>F60</sup> or the [<sup>F61</sup> fire authority] shall in any such case be sent to the chief inspector.

**F58** 1970 c.46; 1971 c.11

**F59** SR 1979/246

**F60** SRO (NI) 1973/211

**F61** SRO (NI) 1973/211

#### **174 Relationship of this Act, enactments relating to mines, and Quarries Act (Northern Ireland) 1927 to certain premises.**

- (1) The provisions of this Act shall not apply to any premises forming part of a mine or quarry.
- (2) In the case of any premises to which all or any of the provisions of this Act would apply but for subsection (1), [<sup>F62</sup> the Ministry] may by order direct that that subsection shall not apply to the premises and that the premises shall be treated, for the purposes of [<sup>F63</sup> the Mines Act (Northern Ireland) 1969<sup>M3</sup>], as not forming part of a mine or, as the case may be, for the purposes of the [<sup>F64</sup> Quarries (Northern Ireland) Order 1983], as not forming part of a quarry.
- (3) In the case of any premises to which all or any of the provisions of this Act apply, being premises [<sup>F65</sup> which would be deemed for the purposes of the Mines Act (Northern Ireland) 1969 to form part of a mine, but for subsection (3) of section 156 of the said Act of 1969, or] which would be deemed for the purposes of the [<sup>F64</sup> Quarries (Northern Ireland) Order 1983], to form part of a quarry, but for [<sup>F64</sup> paragraph (4) of Article 2 of that Order of 1983], [<sup>F62</sup> the Ministry] may by order direct that neither any of the provisions of this Act nor that subsection [<sup>F64</sup> or paragraph] shall apply to the premises.
- (4) In the case of premises which are a factory within the meaning of this Act, or to which all or any of the provisions of this Act apply as if the premises were such a factory, being premises which, though not forming part of a mine or quarry, are occupied by the owner of a mine or quarry and used solely for the purpose of the provision or supply for or to a single mine or quarry, or jointly for or to more than one mine or quarry, of services or electricity, [<sup>F62</sup> the Ministry] may by order direct that, while the order is in force, the provisions of this Act shall not apply to the premises, and the premises shall be deemed for the purposes of [<sup>F63</sup> the Mines Act (Northern Ireland) 1969] or, as the case may be, for the purposes of the [<sup>F64</sup> Quarries (Northern Ireland) Order 1983], to form part of the mine or quarry or, as the case may be, of such one of them as may be specified in the order.
- (5) References in subsections (1) to (4) to the provisions of this Act shall be construed as exclusive of references to section 125, and to the other provisions of this Act in so far as, by virtue of that section, they are applicable to such operations or works, but section 125 shall not apply to any building operations undertaken below ground in a mine or to any works of engineering construction undertaken below ground in a mine.
- (6) Where any machinery or apparatus is situate partly in a mine or quarry and partly in a factory within the meaning of this Act, [<sup>F62</sup> the Ministry] may by order direct that



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it shall be deemed for the purposes of this Act and of [<sup>F63</sup> the Mines Act (Northern Ireland) 1969] or, as the case may be, of the [<sup>F64</sup> Quarries (Northern Ireland) Order 1983], either to be wholly situate in the factory and not to be situate in the mine or quarry or to be wholly situate in the mine or quarry and not to be situate in the factory.

*Subs. (6A) rep. by 1982 NI 11*

(7) In this section—

*Definition rep. by 1982 NI 11*

[<sup>F63</sup> “mine” has the same meaning as in the Mines Act (Northern Ireland) 1969;]  
“quarry” has the same meaning as in the [<sup>F64</sup> Quarries (Northern Ireland) Order 1983].

**F62** 1982 NI 11  
**F63** 1969 c.6 (NI)  
**F64** 1983 NI 4  
**F65** 1969 c.6 (NI)

**Marginal Citations**

**M3** 1969 c. 6

## PART XIV

### INTERPRETATION AND GENERAL

#### INTERPRETATION

#### 175 Interpretation of expression factory.

- (1) Subject to the provisions of this section, the expression “factory” means any premises in which, or within the close or curtilage or precincts of which, persons are employed in manual labour in any process for or incidental to any of the following purposes, namely:—
  - (a) the making of any article or of part of any article; or
  - (b) the altering, repairing, ornamenting, finishing, cleaning, or washing or the breaking up or demolition of any article; or
  - (c) the adapting for sale of any article;being premises in which, or within the close or curtilage or precincts of which, the work is carried on by way of trade or for purposes of gain and to or over which the employer of the persons employed therein has the right of access or control.
- (2) The expression “factory” also includes the following premises in which persons are employed in manual labour (whether or not they are factories by virtue of subsection (1)), that is to say,—
  - (a) any yard or dry dock (including the precincts thereof) in which ships or vessels are constructed, reconstructed, repaired, refitted, finished or broken up;

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- (b) any premises in which the business of sorting any articles is carried on as a preliminary to the work carried on in any factory or incidentally to the purposes of any factory;
  - (c) any premises in which the business of washing or filling bottles or containers or packing articles is carried on incidentally to the purposes of any factory;
  - (d) any premises in which the business of hooking, plaiting, lapping, making-up or packing of yarn or cloth is carried on;
  - (e) any laundry carried on as ancillary to another business, or incidentally to the purposes of any public institution;
  - (f) except as provided in subsection (10), any premises in which the construction, reconstruction or repair of locomotives, vehicles or other plant for use for transport purposes is carried on as ancillary to a transport undertaking or other industrial or commercial undertaking;
  - (g) any premises in which printing by letterpress, lithography, photogravure, or other similar process, or bookbinding is carried on by way of trade or for purposes of gain or incidentally to another business so carried on;
  - (h) any premises in which the making, adaptation or repair of dresses, scenery or properties is carried on incidentally to the production, exhibition or presentation by way of trade or for purposes of gain of cinematograph films or theatrical performances, not being a stage or dressing-room of a theatre in which only occasional adaptations or repairs are made;
  - (j) any premises in which the business of making or mending nets is carried on incidentally to the fishing industry;
  - (k) any premises in which mechanical power is used in connection with the making or repair of articles of metal or wood incidentally to any business carried on by way of trade or for purposes of gain;
  - (l) any premises in which the production of cinematograph films is carried on by way of trade or for purposes of gain, so, however, that the employment at any such premises of theatrical performers and of attendants on theatrical performers shall not be deemed to be employment in a factory;
  - (m) any premises in which articles are made or prepared incidentally to the carrying on of building operations or works of engineering construction, not being premises in which such operations or works are being carried on;
  - (n) any premises used for the storage of gas in a gasholder having a storage capacity of not less than<sup>F66</sup> 140 cubic metres];
  - (o) any premises in which the business of flax scutching is carried on.
- (3) Any line or siding (not being part of a railway or tramway) which is used in connection with and for the purposes of a factory, shall be deemed to be part of the factory; and if any such line or siding is used in connection with more than one factory belonging to different occupiers, the line or siding shall be deemed to be a separate factory.
- (4) A part of a factory may, with the approval in writing of the chief inspector, be taken to be a separate factory and two or more factories may, with the like approval, be taken to be a single factory.
- (5) Any workplace in which, with the permission of or under agreement with the owner or occupier, two or more persons carry on any work which would constitute the workplace a factory if the persons working therein were in the employment of the owner or occupier, shall be deemed to be a factory for the purposes of this Act, and, in the case of any such workplace not being a tenement factory or part of a tenement factory, the provisions of this Act shall apply as if the owner or occupier of

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the workplace were the occupier of the factory and the persons working therein were persons employed in the factory.

- (6) Where a place situate within the close, curtilage, or precincts forming a factory is solely used for some purpose other than the processes carried on in the factory, that place shall not be deemed to form part of the factory for the purposes of this Act, but shall, if otherwise it would be a factory, be deemed to be a separate factory.
- (7) Premises shall not be excluded from the definition of a factory by reason only that they are open air premises.
- (8) Where the Ministry by regulations so directs as respects all or any purposes of this Act, different branches or departments of work carried on in the same factory shall be deemed to be different factories.
- (9)<sup>F67</sup> Any premises belonging to or in the occupation of the Crown or any [<sup>F68</sup> district council] or other public authority shall not be deemed not to be a factory, and building operations or works of engineering construction undertaken by or on behalf of the Crown or any such [<sup>F69</sup> council or] authority shall not be excluded from the operation of this Act, by reason only that the work carried on thereat is not carried on by way of trade or for purposes of gain.
- (10) Premises used for the purpose of housing locomotives or vehicles where only cleaning, washing, running repairs or minor adjustments are carried out shall not be deemed to be a factory by reason only of subsection (2)(f), unless they are premises used for the purposes of a railway undertaking where running repairs to locomotives are carried out.

**F66** SR 1984/283

**F67** 1970 c.46; 1971 c.11

**F68** SRO (NI) 1973/211

**F69** SRO (NI) 1973/211

## 176 General interpretation.

- (1) In this Act—

“bakehouse” means any place in which bread, biscuits or confectionery is or are baked by way of trade or for purposes of gain;

“bodily injury” includes injury to health;

*Definition rep. by SR 1996/510*

[<sup>F70</sup>“building operation” and “work of engineering construction” mean “construction work” within the meaning assigned to that phrase by regulation 2(1) of the [<sup>F71</sup>Construction (Design and Management) Regulations (Northern Ireland) 2016] ;]

“calendar year” means the period of twelve months beginning with the first day of January in any year;

*Definition rep. by SR 1979/246*

“child” has the meaning assigned to it by section 84(2);

“class or description”, in relation to factories, includes a group of factories described by reference to locality;

*Definition rep. by SR 1984/283*

*Definition rep. by SRO (NI) 1973/211*

*Status: Point in time view as at 01/08/2016.*

*Changes to legislation: There are currently no known outstanding effects for the Factories Act (Northern Ireland) 1965. (See end of Document for details)*

“driving-belt” includes any driving strap or rope;  
 [<sup>F72</sup> “the fire authority” means [<sup>F73</sup> the Northern Ireland Fire and Rescue Service Board];]

“fume” includes gas or vapour;  
<sup>F74</sup> .....

“government chemist” means the officer appointed by the Minister of Finance under the Administrative Provisions Act (Northern Ireland) 1928 to be the government chemist for Northern Ireland;  
*Definition rep. by SRO (NI) 1973/211*

[<sup>F75</sup> “Health and Social Services Board” means a Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972 ;]

“humid factory” means a factory in which atmospheric humidity is artificially produced by steaming or other means in connection with any textile process;  
 [<sup>F76</sup> “inspector” means an inspector appointed by [<sup>F77</sup> the Health and Safety Executive for Northern Ireland] under Article 21 of the Health and Safety at Work (Northern Ireland) Order 1978 and references in any provision of this Act to the chief inspector are references to an inspector so appointed who is authorised for the purposes of that provision;]

“machinery” includes any driving-belt;  
 “maintained” means maintained in an efficient state, in efficient working order, and in good repair;  
 “the Minister” and “the Ministry” mean respectively the Minister and Ministry of Health and Social Services<sup>F78</sup>;  
*Definition rep. by 1972 NI 14*  
*Definition spent*

“owner” means the person for the time being receiving the rackrent of the premises in connection with which the word is used, whether on his own account or as agent or trustee for another person, or who would so receive the rackrent if the premises were let at a rackrent;

“parent” means a parent [<sup>F79</sup> of a child or young person or any person who is not a parent of his but who has parental responsibility for him (within the meaning of the Children (Northern Ireland) Order 1995], and includes, in relation to any child or young person, any person having direct benefit from his wages;

“period of employment” means the period (inclusive of the time allowed for meals and rest) within which persons may be employed on any day;

“prescribed” means prescribed by order of the Ministry;

“prime mover” means every engine, motor or other appliance which provides mechanical energy derived from steam, water, wind, electricity, the combustion of fuel or other source;

“process” includes the use of any locomotive;

“railway” means any railway used for the purposes of public traffic whether passenger, goods, or other traffic and includes any works of the railway company connected with the railway;

“railway company” includes a company or person working a railway under lease or otherwise;

“sanitary conveniences” includes urinals, water-closets, earth-closets, privies, ashpits, and any similar convenience;  
*Definition rep. by SR 1979/246*

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[<sup>F80</sup>“ship” and “vessel” have the same meaning as “ship” in the Merchant Shipping Act 1995, and “harbour” has the same meaning as in the Merchant Shipping Act 1995;]

“tenement factory” means any premises where mechanical power from any prime mover within the close or curtilage of the premises is distributed for use in manufacturing processes to different parts of the same premises occupied by different persons in such manner that those parts constitute in law separate factories;

“theatrical performer” includes any actor, singer, dancer, acrobat or performer of any kind employed to act, sing, dance, play or perform in any theatre, music hall or other place of public entertainment, or to rehearse with a view to so acting, singing, dancing, playing or performing, as well as any person employed to take part in the acting or representation of any play, act, event or scene being photographed or otherwise recorded as a picture or pictures or other optical effect suitable or intended for being exhibited by means of a cinematograph or other similar apparatus; and the term theatrical performer shall include all persons employed or engaged for purposes of a chorus or crowd, but shall not include stage hands and members of an orchestra;

“tramway” means a tramway authorised by or under any Act of Parliament and used for the purpose of public traffic;

“transmission machinery” means every shaft, wheel, drum, pulley, system of fast and loose pulleys, coupling, clutch, driving-belt or other device by which the motion of a prime mover is transmitted to or received by any machine or appliance;

“week” means the period between midnight on Saturday night and midnight on the succeeding Saturday night;

“woman” means a woman who has attained the age of eighteen;

*Definition rep. by SR 1996/510*

“young person” means a person who has ceased to be a child but has not attained the age of eighteen.

- (2) For the purposes of this Act, machinery or plant shall be deemed to have been constructed or reconstructed, and a factory or building to have been constructed, reconstructed, extended, added to, or converted for use as a factory, before any date, if the construction, reconstruction, extension, addition, or conversion was begun before that date.
- (3) For the purposes of this Act, a factory shall not be deemed to be a factory in which mechanical power is used by reason only that mechanical power is used for the purpose of heating, ventilating or lighting the workrooms or other parts of the factory.
- (4) A woman, young person, or child who works in a factory whether for wages or not, either in a process or in cleaning any part of the factory used for any process, or in cleaning or oiling any part of the machinery or plant, or in any other kind of work whatsoever incidental to or connected with the process, or connected with the article made or otherwise the subject of the process therein, shall, save as is otherwise provided by this Act, be deemed to be employed therein for the purposes of this Act or of any proceedings thereunder,<sup>F81</sup> . . . .
- (5) A young person who works in a factory, whether for wages or not, in collecting, carrying or delivering goods, carrying messages or running errands shall be deemed to be employed in the factory for the purposes of this Act or of any proceedings

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thereunder, but<sup>F82</sup> section 117 shall not apply], to any such young person who is employed mainly outside the factory.

(6) For the purposes of this Act, employment shall be deemed to be continuous unless interrupted by an interval of at least half an hour.

(7) For the purposes of this Act, an apprentice shall be deemed to be a person employed.

- F70** S. 176(1): definition of “building operation” and “work of engineering construction” substituted (9.7.2007) by virtue of [The Construction \(Design and Management\) Regulations \(Northern Ireland\) 2007 \(S.R. 2007/291\)](#), reg. 47(2), **Sch. 6 para. 1** (with reg. 3)
- F71** Words in s. 176(1) substituted (1.8.2016) by [The Construction \(Design and Management\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/146\)](#), reg. 1, **Sch. 6**
- F72** SRO (NI) 1973/211
- F73** S. 176(1): words substituted (1.7.2006) in definition of "fire authority" by [Fire and Rescue Services \(Northern Ireland\) Order 2006 \(S.I. 2006/1254 \(N.I. 9\)\)](#), arts. 1(3), 63(1), **Sch. 3 para. 2** (with art. 62); [S.R. 2006/257](#), **art. 2(b)(d)**
- F74** S. 176(1): definition of "general register" repealed (31.10.2011) by [Factories Act \(Northern Ireland\) 1965 and Office and Shop Premises Act \(Northern Ireland\) 1966 \(Repeals and Modifications\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/283\)](#), **reg. 4(2)(d)**
- F75** 1972 NI 14
- F76** SR 1979/246
- F77** SR 1999/150
- F78** Functions transf.SRO (NI) 1973/504
- F79** 1995 NI 2
- F80** 1995 c. 21
- F81** 1990 NI 2
- F82** 1990 NI 2

#### GENERAL

*Ss. 177, 178 rep. by SR 1979/246*

#### **179 Regulations, rules and orders.**

(1) All regulations made under this Act, not being regulations made under section 34(4) or (7) or section 52(2) shall be subject to negative resolution.

*Subs. (2) rep. by SR 1979/246*

(3) Any power conferred by this Act to prescribe standards or impose requirements shall include power to do so by reference to the approval of the chief inspector <sup>F83</sup> or a person appointed by<sup>F84</sup> the Health and Safety Executive for Northern Ireland]].

<sup>F85</sup>(4) The provisions of Article 46 of the Health and Safety at Work (Northern Ireland) Order 1978 shall apply to any power, to make an order which is exercisable by statutory rule and conferred by this Act, as they apply to a power to make regulations.]

(5) Any regulations or order made by the Ministry under this Act may be made for a limited period or without limit of period and may be made subject to such conditions as it thinks fit, and may contain such supplemental and consequential provisions as it considers necessary for giving full effect to the regulations or order.

*Subs. (6) rep. by SR 1979/246*

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*Changes to legislation: There are currently no known outstanding effects for the Factories Act (Northern Ireland) 1965. (See end of Document for details)*

(7) For the avoidance of doubt it is hereby declared—

- (a) that any order applicable only to particular persons, premises, boilers, employment, operations or work or to persons employed at particular premises or on work supervised from particular premises;
- (b) that any order revoking an order which is not a statutory rule within the meaning of the [<sup>F86</sup> Statutory Rules (Northern Ireland) Order 1979 ];

made in the exercise of powers conferred by this Act, is not made in the exercise of a power of a legislative character within the meaning of [<sup>F86</sup> Article 4( a) of the Statutory Rules (Northern Ireland) Order 1979 ].

**F83** 1978 NI 9  
**F84** SR 1999/150  
**F85** SR 1979/246  
**F86** 1979 NI 12

#### **180 Transitional provisions.**

(1) This Act shall have effect subject to the provisions of Schedule 5.

*Subs. (2) rep. by SLR 1973*

#### **181 Construction of references in other enactments to factories and workshops, etc.**

(1) ...<sup>F87</sup> references in any enactment to a factory or workshop within the meaning of the Factory and Workshop Acts 1901 to 1929 or any of those Acts, shall be construed as references to a factory within the meaning of this Act.

*Subs. (2) rep. by 1978 NI 9*

**F87** 1972 NI 16

#### **182 Financial provision.**

Except as otherwise provided by this Act, any expenses incurred by the Ministry under this Act shall be paid out of moneys provided by Parliament.

#### **183 Short title.**

(1) This Act may be cited as the Factories Act (Northern Ireland) 1965.

*Subs. (2) rep. by SLR 1973*

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*Changes to legislation: There are currently no known outstanding effects for the Factories Act (Northern Ireland) 1965. (See end of Document for details)*

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## SCHEDULES

### [<sup>F88</sup>SCHEDULE 1

Section 67.

#### TABLE OF HUMIDITY

<b>F88</b> SR 1984/283
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<b>I</b>	<b>II</b>
<i>Dry Bulb Temperature Degrees Celsius</i>	<i>Wet Bulb Temperature Degrees Celsius</i>
10	9
11	10
12	11
13	12
14	13
15	14
16	15
17	16
18	17
19	18
20	19
21	20
22	20.5
23	21
24	22
25	22.5
26	23.5
27	24
28	25
29	26
30	26.5]

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*Changes to legislation: There are currently no known outstanding effects for the Factories Act (Northern Ireland) 1965. (See end of Document for details)*

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*Schedule 2 rep. by SR 1986/350*

*Schedules 3, 4 rep. by SR 1979/246*

## SCHEDULE 5

Section 180(1).

### TRANSITIONAL PROVISIONS

- 1 Any reference in any enactment or document, whether express or implied, to any enactment repealed by this Act or by any enactment so repealed or to any provision contained in any such enactment shall be construed as a reference to this Act or, as the case may be, to the corresponding provision of this Act.
- 2 Any order, regulation, rule, byelaw or appointment made, direction, certificate or notice given, or other thing done under any provision contained in an enactment repealed by this Act or by an enactment so repealed shall continue in force and—
  - (a) if it could have been made, given or done under the corresponding provision of this Act, shall have effect as if it had been so made, given or done;
  - (b) if it is an order or regulation made under a power which, under the corresponding provision of this Act, is exercisable by a different class of instrument, shall have effect as if it were an instrument of that class made under that provision.
- 3 (1) Subject to sub-paragraph (2), a factory which has been furnished with a certificate in pursuance of subsection (1) of section 14 of the Factory and Workshop Act 1901 and a factory in respect of which a notice issued in pursuance of subsection (2) of that section has been complied with, or in respect of which an award has been made under subsection (3) of that section and has been complied with, shall be entitled to receive a certificate under section 41 of this Act and, pending the receipt of the certificate, no offence shall be deemed to be committed by reason of the use of the factory while no certificate under this section is in force with respect to it.  
  
(2) Sub-paragraph (1) shall only apply to any factory if and so long as the means of escape provided therein are properly maintained, and shall not apply to any factory if, since the certificate was furnished or the notice or award was complied with in pursuance of the said section 14, any action has been taken of which notice would, if this Act had been in force and a certificate under section 41 had been granted, have been required by section 42 to be given to the fire authority.
- 4 In the case of any factory constructed or converted for use as a factory before the coming into operation of section 35 of the Factories Act (Northern Ireland) 1938 (that is to say the 1st July 1939) which is not a factory to which paragraph 3 of this Schedule applies, no offence shall be deemed to be committed under section 41 of this Act by reason of the use of the factory during any period that may elapse before the grant or refusal of a certificate under that section by the fire authority, and if the fire authority refuse to grant a certificate in respect of the factory unless alterations

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are made, no such offence shall be deemed to be committed while the alterations are being carried out in accordance with the requirements of the authority.

5 Where, before the coming into operation of Schedule 1 to the Factories Act (Northern Ireland) 1959 (that is to say the 1st December 1962) a certificate was issued under section 35 of the Factories Act (Northern Ireland) 1938 with respect to such a factory as is mentioned in paragraph 1 of Schedule 2 to this Act, but—

- (a) neither the certificate nor a copy thereof was issued to the owner of the building in which the factory is comprised; or
- (b) neither the certificate nor a copy thereof or of the relevant part thereof was issued to the occupier of the factory;

the council or fire authority by whom the certificate was issued shall, at his request, send him a copy thereof or, as the case may be, of the relevant part thereof; and the owner may, in the case of any such certificate, comply with the requirement as to its registration by attaching a copy thereof to the register mentioned in paragraph 8( c) of Schedule 2 to this Act.

6 The mention of particular matters in this Schedule shall be without prejudice to the general application of section 29 of the Interpretation Act (Northern Ireland) 1954 (which relates to the effect of substituting provisions).

*Schedule 6 rep. by SLR 1973*

**Status:**

Point in time view as at 01/08/2016.

**Changes to legislation:**

There are currently no known outstanding effects for the Factories Act (Northern Ireland) 1965.