Factories Act (Northern Ireland) 1965

1965 CHAPTER 20

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;

(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**[**[F1] 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 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 [F2] Any premises belonging to or in the occupation of the Crown or any [[F3] 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 [[F4] 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.

F1 SR 1984/283
F2 1970 c.46; 1971 c.11
F3 SRO (NI) 1973/211
F4 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

[[F5]"building operation" and "work of engineering construction" mean "construction work" within the meaning assigned to that phrase by regulation 2(1) of the **[**[F6]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

"driving-belt" includes any driving strap or rope;

[[F7]"the fire authority" means **[**[F8]the Northern Ireland Fire and Rescue Service Board**];]**

"fume" includes gas or vapour;

[F9] …

"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

[F10] …

"humid factory" means a factory in which atmospheric humidity is artificially produced by steaming or other means in connection with any textile process;

[[F11]"inspector" means an inspector appointed by **[**[F12] he 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[F13];

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 **[**[F14]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

[[F15]"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 havew 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,[F16]....

(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 thereunder, but **[**[F17] 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.

F5 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)

F6 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**

F7 SRO (NI) 1973/211

F8 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)**

F9 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)**

F10 Words in s. 176(1) omitted (1.4.2022) by virtue of Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 1**; S.R. 2022/102, art. 2(b)

F11 SR 1979/246

F12 SR 1999/150

F13 Functions transf.SRO (NI) 1973/504

F14 1995 NI 2

F15 1995 c. 21

F16 1990 NI 2

F17 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 [[F18] or a person appointed by**[**[F19] the Health and Safety Executive for Northern Ireland**]**].

[F20](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

(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 [[F21] 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 [[F21] Article 4(*a*) of the Statutory Rules (Northern Ireland) Order 1979].

F18 1978 NI 9
F19 SR 1999/150
F20 SR 1979/246
F21 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) …[F22] 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

F22 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

Changes to legislation:
There are currently no known outstanding effects for the Factories Act (Northern Ireland) 1965, PART XIV.