

Factories Act, 1959

7 & 8 ELIZ. 2 CH. 67

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Section

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CHAPTER 67

An Act to amend the Factories Acts, 1937 and 1948, and make further provision as to the health, safety and welfare of persons employed in factories or in premises or operations to which those Acts apply; to revoke Regulation 59 of the Defence (General) Regulations, 1939; and for connected purposes. [29th July, 1959]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. In sub-paragraph (ii) of paragraph (c) of section one of the principal Act (which requires the periodical repainting of certain parts of factories kept painted with oil paint) the words “in a prescribed manner” shall be substituted for the words “with oil paint”, the words “in a prescribed manner” shall be inserted after the word “repainted” and the words “at such intervals, being intervals of not more than seven years, as may be prescribed” shall be substituted for the words “at least once in every period of seven years”. Cleanliness.

2.—(1) For the purposes of subsection (1) of section eighteen of the principal Act (which requires certain precautions where the edge of a fixed vessel, structure, sump or pit containing a dangerous liquid is less than three feet above the adjoining ground or platform) the adjoining ground or platform mentioned in that subsection shall be taken to be the highest ground or platform (whether contiguous or not) from which a person might fall into the vessel, structure, sump or pit. Dangerous substances.

(2) After the said subsection (1) there shall be inserted the following subsections:—

“(1A) Where any fixed vessel, structure, sump or pit contains any scalding, corrosive or poisonous liquid but is

not securely covered, no ladder, stair or gangway shall be placed above, across or inside it which is not—

(a) at least eighteen inches wide, and

(b) securely fenced on both sides to a height of at least three feet and securely fixed.

(1B) Where any such vessels, structures, sumps or pits as are mentioned in subsection (1A) of this section adjoin, and the space between them, clear of any surrounding brick or other work, is less than eighteen inches in width or is not securely fenced on both sides to a height of at least three feet, secure barriers shall be so placed as to prevent passage between them.

(1c) For the purposes of this section a ladder, stair or gangway shall not be deemed to be securely fenced unless it is provided either with sheet fencing or with an upper and a lower rail and toe boards."

(3) The Minister may by regulations extend any of the provisions of the said section eighteen so as to make them applicable—

(a) to a vessel or structure, notwithstanding that it is not fixed; or

(b) to a vessel, structure, sump or pit, notwithstanding that the substance it contains is not a liquid;

and the expression "scalding" in any provision extended under paragraph (b) of this subsection shall, in relation to a substance which is not a liquid, be taken to refer to the substance as likely to cause burns.

Hoists or lifts
and lifting
machines.

3.—(1) The person making the report of an examination under subsection (2) of section twenty-two or subsection (2) of section twenty-four of the principal Act (which respectively require the periodical examination of hoists or lifts and lifting machines) shall within twenty-eight days of the completion of the examination send to the inspector for the district a copy of the report in every case where the examination shows that the hoist or lift or lifting machine cannot continue to be used with safety unless certain repairs are carried out immediately or within a specified time.

(2) In subsection (2) of the said section twenty-two for the words "fourteen days" (which specify the time within which the report has to be registered) there shall be substituted the words "twenty-eight days".

(3) Without prejudice to the provisions of subsection (7) of the said section twenty-four (which, in cases where a person working on or near the wheel-track of an overhead travelling crane would be liable to be struck by it, requires measures to prevent its close approach), if any person is employed or working

in any place above floor level where he would be liable to be struck by an overhead travelling crane, or by any load carried by an overhead travelling crane, effective measures shall be taken to warn him of the approach of the crane, unless his work is so connected with or dependent on the movements of the crane as to make a warning unnecessary.

4. At the end of subsection (1) of section twenty-five of the principal Act (which requires floors, steps, stairs, passages and gangways to be of sound construction and properly maintained) there shall be added the words "and shall, so far as is reasonably practicable, be kept free from any obstruction and from any substance likely to cause persons to slip".

5. In subsection (1) of section twenty-six of the principal Act (which requires safe means of access to every place of work) there shall be added, at the end, the words "and every such place shall, so far as is reasonably practicable, be made and kept safe for any person working there"; and in subsection (2) of that section (which requires precautions where a person is liable to fall more than ten feet) for the words "ten feet" there shall be substituted the words "six feet six inches".

6. For section twenty-seven of the principal Act (which requires precautions against dangerous fumes) there shall be substituted the following section:—

"Dangerous fumes and lack of oxygen.

27.—(1) The provisions of subsections (2) to (8) of this section shall have effect where work in any factory has to be done inside any chamber, tank, vat, pit, pipe, flue or similar confined space, in which dangerous fumes are liable to be present to such an extent as to involve risk of persons being overcome thereby.

(2) The confined space shall, unless there is other adequate means of egress, be provided with a man-hole, which may be rectangular, oval or circular in shape, and shall be not less than eighteen inches long and sixteen inches wide or (if circular) not less than eighteen inches in diameter, or in the case of tank wagons and other mobile plant not less than sixteen inches long and fourteen inches wide or (if circular) not less than sixteen inches in diameter.

(3) Subject to subsection (4) of this section, no person shall enter or remain in the confined space for any purpose unless he is wearing a suitable breathing apparatus and has been authorised to enter by a responsible person, and, where practicable, he is wearing a belt with a rope securely attached and a person keeping watch outside and capable of pulling him out is holding the free end of the rope.

(4) Where the confined space has been certified by a responsible person as being, for a specified period, safe for entry without breathing apparatus and the period so specified has not expired, subsection (3) of this section shall not apply, but no person shall enter or remain in the space unless he has been warned when that period will expire.

(5) A confined space shall not be certified under subsection (4) of this section unless—

- (a) effective steps have been taken to prevent any ingress of dangerous fumes, and
- (b) any sludge or other deposit liable to give off dangerous fumes has been removed and the space contains no other material liable to give off dangerous fumes, and
- (c) the space has been adequately ventilated and tested for dangerous fumes and has a supply of air adequate for respiration ;

but no account shall be taken for the purposes of paragraph (b) of this subsection of any deposit or other material liable to give off dangerous fumes in insignificant quantities only.

(6) There shall be provided and kept readily available a sufficient supply of breathing apparatus of a type approved by the chief inspector, of belts and ropes, and of suitable reviving apparatus and oxygen, and the apparatus, belts and ropes shall be maintained and shall be thoroughly examined, at least once a month or at such other intervals as may be prescribed, by a competent person ; and a report on every such examination, signed by the person making the examination and containing the prescribed particulars, shall be kept available for inspection.

(7) A sufficient number of the persons employed shall be trained and practised in the use of the apparatus mentioned in subsection (6) of this section and in a method of restoring respiration.

(8) The chief inspector may by certificate grant, subject to any conditions specified in the certificate, exemption from compliance with any of the requirements of the foregoing provisions of this section in any case where he is satisfied that compliance with those requirements is unnecessary or impracticable.

(9) No person shall enter or remain in any confined space in which the proportion of oxygen in the air is liable to have been substantially reduced unless either—

- (a) he is wearing a suitable breathing apparatus ;
- or

(b) the space has been and remains adequately ventilated and a responsible person has tested and certified it as safe for entry without breathing apparatus.

(10) No work shall be permitted in any boiler-furnace or boiler-flue until it has been sufficiently cooled by ventilation or otherwise to make work safe for the persons employed."

7. In subsection (1) of section twenty-eight of the principal Explosive dust. Act (which requires certain precautions where dust liable to explode on ignition may escape into any workroom) the words "into any workroom" shall be omitted and for the words "the dust" there shall be substituted the words "any dust that may escape in spite of the enclosure".

8.—(1) In section twenty-nine of the principal Act the follow- Steam boilers. ing shall be substituted for subsections (6) and (7):—

"(6) A steam boiler shall not be used in any factory unless it has been examined, together with its fittings and attachments, in such manner as the Minister may by special regulations prescribe and no greater period than may be so prescribed has elapsed since the examination, but the regulations may provide for extending in special circumstances the time during which a boiler which has been examined as required by the regulations may be used in a factory without being again so examined.

(7) The Minister may by special regulations prescribe the manner in which a steam boiler, together with its fittings and attachments, is to be examined after any such repairs as may be specified in the regulations; and where such repairs are carried out to a steam boiler after it has been examined under subsection (6) of this section, then, notwithstanding that the period prescribed under that subsection has not expired, the steam boiler shall not be used in any factory until the examination prescribed under this subsection has been made.";

and in subsection (8) of that section for the words "every such examination" there shall be substituted the words "every examination under this section" and the words from "For the purposes" to the end of the subsection, and in subsection (9) thereof the words preceding "no new steam boiler shall be taken into use" shall be omitted.

(2) Until the coming into operation of subsection (1) of this section the Minister may by order grant such exemptions from the requirements of subsection (6) of the said section twenty-nine (as originally enacted), to such extent and subject to such conditions, as may be specified in the order, and any

such exemption may extend to any class or description of factory or boiler or any particular factory or boiler.

(3) The Minister may by special regulations vary the period of twenty-eight days within which a report of any examination under the said section twenty-nine is to be entered in or attached to the register under subsection (8) of that section or a copy thereof sent to the inspector under subsection (11) thereof.

(4) In subsection (15) of the said section twenty-nine (which excludes the application of that section in the case of certain boilers) after the words "in the service of His Majesty" there shall be inserted the words "or belonging to and used by the United Kingdom Atomic Energy Authority".

Exercise by
fire authorities
of functions
relating to
means of
escape in case
of fire.

9.—(1) The functions of the district council under sections thirty-four and thirty-five of the principal Act (which relate to means of escape in case of fire) shall, after the coming into operation of this subsection, be exercisable by the fire authority; and accordingly any reference in the principal Act (except in subsection (4) of section one hundred and fifty-six thereof) to the district council which is or includes a reference to the authority exercising functions under either of those sections shall, as the case may require, be construed as a reference or as including a reference to the fire authority.

(2) An examination under section thirty-four of the principal Act may be carried out either by an officer of the fire authority authorised in writing by that authority or, where in any county, county borough or burgh the council thereof is not the fire authority and the fire authority so requests, by an officer of that council authorised in writing by the council.

(3) Sections two hundred and fifty to two hundred and fifty-two of the Local Government Act, 1933, or, in Scotland, sections three hundred and one to three hundred and three of the Local Government (Scotland) Act, 1947 (which relate to the procedure for making byelaws, penalties for offences against byelaws and evidence of byelaws) shall apply to any byelaw made under section thirty-five of the principal Act by an authority which is not a local authority within the meaning of the said Act of 1933 or the said Act of 1947 as if it were such an authority; and where (in Scotland) any such byelaw is made by an authority not having a common seal it shall be authenticated by the signature of two members and the clerk of the authority.

(4) In this section, the expression "fire authority" means, in relation to any area, the authority for the time being constituted the fire authority for that area by the Fire Services Act, 1947; except that—

(a) where in accordance with arrangements made under section twelve of that Act all the functions of the fire

authority under that Act in respect of the whole or part of their area are discharged by another fire authority, it means in relation to that area or that part, that other fire authority ; and

(b) in relation to an area in Scotland the fire brigade for which is administered by such a joint committee as is mentioned in paragraph (b) of subsection (4) of section thirty-six of that Act, it means that joint committee.

(5) Neither subsection (1) of this section nor any change in the authority which is the fire authority in relation to any area shall affect the validity of any byelaw made under section thirty-five of the principal Act or of any certificate under section thirty-four thereof issued by, or notice under that section given by or to, the authority exercising functions under those sections before the coming into operation of the said subsection (1) or, as the case may be, before the change ; but the authority ceasing to exercise those functions shall send to the authority exercising them after that time a copy of any certificate under the said section thirty-four which relates to a factory in the area in relation to which the last-mentioned authority are the fire authority and of any notice under that section which relates to such a factory and was given within twelve months before that time.

(6) In subsection (5) of section thirty-five of the principal Act (which modifies the section in its application to London) there shall be substituted, for the words from "as if references" to "to London", the words "as if subsection (4) were omitted."

10.—(1) Where an application to certify a factory under subsection (1) of section thirty-four of the principal Act is made in the prescribed form to the fire authority (within the meaning of section nine of this Act) and, if regulations made by the Minister so require, the application is accompanied by such plans as may be prescribed by the regulations, no offence shall be deemed to be committed under that section by reason of the use of the factory during any period that may elapse between the making of the application and the grant or refusal of the certificate. Means of escape in case of fire.

(2) Where on the making of such an application the fire authority inform the applicant that they will not grant the certificate unless specified alterations are made to the premises they shall specify the time within which the alterations are to be carried out and, if the certificate is not granted, it shall be deemed to have been refused at the expiration of the time so specified or such further time as the authority may have allowed.

(3) Before specifying, for the purposes of subsection (2) of this section or the said section thirty-four, any alterations to any premises outside London the fire authority, except where they

are the local authority (within the meaning of the Public Health Act, 1936 or the Building (Scotland) Act, 1959) for the area in which the premises are situated, shall consult that local authority.

(4) The fire authority shall inform the inspector for the district in any case in which a certificate under the said section thirty-four has been, or is deemed to have been, refused or has been cancelled.

(5) The powers of a fire authority under the said section thirty-four to examine a factory shall include power, after a factory has been certified under that section, to examine the factory and every part thereof for the purpose of ascertaining whether there has been a change of conditions by reason of which the existing means of escape have become insufficient.

(6) In subsection (10) of the said section thirty-four (which enables the occupier of a factory to appeal if he is aggrieved by a refusal to grant a certificate under that section or by being required to carry out alterations) there shall be inserted, after the words "to grant a certificate under this section" the words "or to amend such a certificate", and after the words "alterations at the factory" the words "or by the period within which he is required to carry them out".

(7) In subsection (13) of the said section thirty-four (which specifies the factories to which that section applies) there shall be added, after paragraph (d), the words "and the Minister may by regulations provide that this section shall also apply to any class or description of factory specified in the regulations".

(8) In subsection (2) of section one hundred and sixteen of the principal Act (which requires a copy of the certificate under the said section thirty-four to be attached to the general register) the words "a copy of" shall be omitted.

**Prevention
of fire.**

11.—(1) The Minister may make special regulations as to the measures to be taken to reduce the risk of fire breaking out in any factory or of any such fire or smoke therefrom spreading in any factory, and such regulations may, among other things, prescribe requirements as to the internal construction of a factory and the materials used in that construction.

(2) Special regulations made under this section may provide, as regards any of their provisions, that some other person or persons shall be responsible for a contravention thereof instead of or as well as the occupier.

Fire fighting.

12.—(1) In every factory there shall be provided and maintained appropriate means for fighting fire, which shall be so placed as to be readily available for use.

(2) The Minister may by special regulations prescribe for any class or description of factory or part thereof specified means

for fighting fire, and any such regulations may provide for the testing or examination of the means so specified and for the recording of particulars of the tests or examinations and of any defects found and action taken to remedy the defects.

(3) The Minister may make special regulations requiring means to be provided in any class or description of factory for notifying the fire brigade in case of fire and requiring employed persons to be made familiar with their use.

(4) Special regulations made under this section may provide, as regards any of their provisions, that some other person or persons shall be responsible for a contravention thereof instead of or as well as the occupier.

(5) Any requirement imposed by regulations made under subsection (2) of this section may be so imposed either in substitution for or without prejudice to the general requirements of subsection (1) of this section.

(6) The Minister may by order grant exemption from the requirements of subsection (1) of this section and any such order may apply to any particular factory or part of a factory or any class or description of factory.

13.—(1) Section thirty-six of the principal Act (which relates to safety provisions in case of fire) shall be amended as follows:— Safety provisions in case of fire.

- (a) in subsection (5) (which enables the chief inspector to grant exemption from compliance with the requirements of subsection (4)) for the words “the last foregoing subsection” there shall be substituted the words “subsections (2) to (4) of this section”;
- (b) in subsection (6) (which requires fire exits to be marked in red letters of adequate size) the word “red” shall be omitted; and
- (c) for subsection (7) (which in the case of certain factories requires the provision of fire warnings) there shall be substituted the following subsection:—

“(7) In every building which is, forms part of or comprises a factory to which section thirty-four of this Act applies, effective means, capable of being operated without exposing any person to undue risk, shall be provided and maintained for giving warning in case of fire, which shall be clearly audible throughout the building or, where the factory is part only of the building, in every part of the building which is used for the purposes of the factory”.

(2) The Minister may by order grant exemption from or modify the requirements of the said subsection (7) in any case

where it appears to him that those requirements are unnecessary or, as the case may be, would, unless modified, be unreasonable ; and any such order may apply to any particular factory or part of a factory or any class or description of factory.

Power to extend provisions as to fire warnings and means of escape in case of fire.

14. The Minister may by regulations apply to any class or description of factory the provisions of subsection (7) of section thirty-six of the principal Act (which in the case of certain factories requires the provision of fire warnings) or section thirty-seven of that Act (which in the case of certain factories requires steps to be taken to make all the persons employed familiar with the means of escape in case of fire and their use).

Extension to other premises, etc. of regulations under ss. 11 and 12.

15. The provisions of sections eleven and twelve of this Act, so far as they enable the Minister to make regulations, shall be deemed to be among those mentioned in subsection (2) of section one hundred and three, subsection (1) of section one hundred and five, subsection (1) of section one hundred and six, subsection (1) of section one hundred and seven, and subsection (1) of section one hundred and eight of the principal Act (which extend the application of certain provisions of that Act).

Testing or examination of fire warnings.

16.—(1) There shall be tested or examined at least once in every period of three months and whenever an inspector so requires every means for giving warning in case of fire which is required to be provided by or under the principal Act or this Act.

(2) The Minister may by regulations provide that in relation to any class or description of appliance or in relation to any class or description of factory subsection (1) of this section shall have effect with the substitution for the period of three months of such period as may be specified in the regulations.

(3) The Minister may by regulations prescribe the nature of the test or examination to be carried out in pursuance of this section.

(4) There shall be entered in or attached to the general register the date of every test or examination carried out in pursuance of this section and particulars of any defect found and the date and particulars of any action taken to remedy any such defect.

Power of entry of officers of fire authorities, etc.

17.—(1) The like powers of entry and inspection as are conferred by the principal Act on an inspector shall be exercisable—

(a) (without prejudice to the generality of subsection (1) of section nine of this Act) by any officer carrying out, in pursuance of subsection (2) of that section, an examination under section thirty-four of the principal Act ; and

- (b) by an officer of the fire brigade maintained by a fire authority within the meaning of section nine of this Act, when authorised in writing by an inspector, for the purpose of reporting to the inspector on any matter falling within the inspector's duties relating to fire ;

and the provisions of the principal Act as to furnishing means required by an inspector and delaying or obstructing an inspector shall apply in relation to such officers acting in pursuance of this section as they apply in relation to inspectors.

(2) An officer exercising any power conferred by this section shall, if asked to do so, produce his authority.

(3) An inspector shall not authorise an officer of a fire brigade to enter or inspect any premises except with the consent of the authority maintaining the brigade.

(4) Subsection (6) of section one hundred and twenty-eight of the principal Act (which imposes penalties for the improper disclosure of secrets) shall apply in relation to any person entering a factory in pursuance of powers conferred by this section as it applies in relation to a person entering a factory in pursuance of powers conferred by subsection (5) of that section.

18.—(1) The facilities required by subsection (1) of section forty-two of the principal Act shall include a supply of clean facilities. running hot and cold or warm water.

(2) Without prejudice to the power exercisable by the Minister under subsection (3) of the said section forty-two (which enables the Minister to provide for the exemption of factories from any of the requirements of that section in cases where by reason of special circumstances the application of the requirement would in his opinion be unreasonable) the Minister may by regulations provide for exempting from so much of subsection (1) of this section as requires the water supplied to be running water factories in which the largest number of persons at work at any one time does not exceed such number as may be specified in the regulations.

19.—(1) For the purposes of subsection (3) of section forty-five of the principal Act (which requires persons in charge of first-aid boxes or cupboards to be trained in first-aid treatment if more than fifty persons are employed in the factory) a person shall not be deemed to be so trained unless he satisfies the prescribed conditions ; and the Minister may by regulations extend that requirement to cases where the persons employed exceed such lower number as may be specified in the regulations.

(2) Where a contravention of the said subsection (3) is committed through a failure to comply with the said requirement it shall be a defence in any proceedings for the contravention to prove that the defendant made all reasonable efforts to secure compliance but was unable to do so.

Lifting
excessive
weights.

20. In subsection (1) of section fifty-six of the principal Act (which relates to lifting excessive weights) the word “young” shall be omitted.

Special
regulations
for safety
and health.

21. The power of the Minister to make special regulations under section sixty of the principal Act (which enables him to prohibit or control the use in factories of dangerous materials, appliances or processes) shall be exercisable whether or not there has been any actual use in any factory; and accordingly there shall be omitted—

(a) in subsection (1) of that section, the words “used in factories”; and

(b) in subsection (3) thereof, the words “in which the manufacture, machinery, plant, process or description of manual labour is used” and the word “such”.

Prohibition of
importation
and sale of
prohibited
materials and
articles made
therewith.

22.—(1) For subsection (2) of section sixty-one of the principal Act (which empowers Her Majesty to prohibit by Order in Council the importation into the United Kingdom of articles in the manufacture of which any prohibited material or process has been employed) there shall be substituted the following subsection:—

“(2) Where by any regulations made under this Act the use of any material or process is prohibited, Her Majesty may by Order in Council prohibit, either absolutely or subject to exemptions, the importation into the United Kingdom of the material or of any articles in the manufacture of which the material or process has been employed, and any such Order in Council may be varied or revoked by a subsequent Order in Council.”

(2) In subsection (4) of the said section sixty-one (which provides for the forfeiture of any article the importation of which is prohibited by or under that section) after the word “article”, wherever it occurs, there shall be inserted the words “or material”.

Exemptions
from
provisions
regulating
hours of
employment.

23.—(1) Where the Minister is satisfied, on an application made to him 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 or transport, he may, after such consultations as he may think appropriate or as may be required under subsection (5) of this section, exempt the employment of persons of or over the age of sixteen from any of the following provisions, except in so far as they relate to mines and quarries, that is to say,—

(a) Part VI of the principal Act, except sections ninety-nine and one hundred;

- (b) subsection (3) of section one of the Employment of Women, Young Persons, and Children Act, 1920 ; and
- (c) the Hours of Employment (Conventions) Act, 1936.

(2) An exemption granted under this section may extend to the employment of persons generally, of a class of persons or of particular persons, and to employment generally, or any class of employment or particular employment, and may be granted to such extent and on such conditions as may be specified in the instrument by which it is granted and, subject to subsection (4) of this section, either indefinitely or for such period as may be so specified.

(3) 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.

(4) 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.

(5) The Minister 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 him to be representative respectively of workers and employers concerned ; or
- (b) on the application of a wages council ; or
- (c) on the joint application of an organisation which appears to him to be representative of employers concerned and of an organisation which appears to him to be representative of workers concerned ; or
- (d) on the application of an organisation which appears to him to be representative of employers concerned and after consulting an organisation which appears to him to be representative of workers concerned ; or
- (e) on the application of an organisation which appears to him to be representative of workers concerned and after consulting an organisation which appears to him to be representative of employers concerned.

(6) The Minister shall publish in the London Gazette such particulars of special exemption orders as he considers appropriate.

(7) In this section "organisation" includes—

- (a) in relation to workers, an association of trade unions, and
- (b) in relation to employers, an association of organisations of employers and also any body established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking;

and "trade union" includes an association of trade unions.

Tenement
factories and
parts of
buildings let off
as separate
factories.

24.—(1) The provisions of sections one hundred and one and one hundred and two of the principal Act (which, in the case of tenement factories and parts of buildings let off as separate factories, impose liabilities under certain provisions of that Act on the owner instead of the occupier) shall cease to have effect so far as they relate to means of escape in case of fire and safety provisions in case of fire, and the provisions of the First Schedule to this Act shall have effect in substitution therefor.

(2) The reference in the said section one hundred and two to the provisions of Part II of the principal Act with respect to the construction and maintenance of floors, passages and stairs shall be construed as including a reference to section four of this Act.

Railway
running sheds.

25. Where running repairs to locomotives are carried out in any premises used for the purposes of a railway undertaking paragraph (vi) of subsection (1) of section one hundred and fifty-one of the principal Act (which extends the definition of the expression "factory" by including certain premises in which the construction, reconstruction or repair of locomotives, vehicles or other plant is carried on, not being any premises used for the purpose of housing locomotives or vehicles where only cleaning, washing, running repairs or minor adjustments are carried out) shall have effect in relation to those premises as if the words from "not being any premises" to the end of the paragraph were omitted.

Promotion of
health, safety
and welfare.

26.—(1) The Minister shall promote health, safety and welfare in factories and premises and operations to which the principal Act applies by collecting and disseminating information and by investigating or assisting in the investigation of problems of health, safety and welfare; and for the purpose of investigating such problems he may provide and maintain such laboratories and other services as appear to him requisite.

(2) The Minister may appoint persons to advise him in connection with his functions under this section and may pay to any such person such travelling and other allowances, including compensation for loss of remunerative time, as he may with the approval of the Treasury determine.

(3) Any expenses incurred by the Minister under this section shall be defrayed out of moneys provided by Parliament.

27.—(1) Any power conferred by the principal Act, the Factories Act, 1948, or this Act to make regulations, rules or orders shall include power to make different provisions in relation to different circumstances. Exercise of power to make regulations, etc.

(2) Any power so conferred to prescribe standards or impose requirements shall include power to do so by reference to the approval of the chief inspector.

(3) Any regulation, rule or order made before the coming into operation of this section under any power conferred by the principal Act or the Factories Act, 1948, shall, so far as may be necessary, be deemed to have been made under that power as extended by this section.

28.—(1) An offence under subsection (2) of section seventeen of the principal Act (which prohibits the sale or letting on hire of machines which are not effectively guarded) or under that subsection as extended under subsection (3) of that section shall, where necessary for the purpose of conferring jurisdiction on any court to entertain proceedings for the offence, be deemed to have been committed in the place where the machine (or as the case may be the machinery or plant to which the said subsection (2) has been extended) is for the time being. Offences under s. 17 of principal Act.

(2) Proceedings for such an offence may be commenced at any time within the period of six months from the date on which evidence, sufficient in the opinion of the Minister to justify a prosecution for the offence, comes to his knowledge; and for the purposes of this subsection a certificate, purporting to be signed by or on behalf of the Minister, as to the date on which such evidence came to his knowledge shall be conclusive evidence thereof.

29.—(1) Section one hundred and thirty-three of the principal Act (which provides for additional penalties in cases of death or injury) shall cease to have effect, and for section one hundred and thirty-one of that Act (which imposes penalties for offences for which no express penalty is provided by that Act) there shall be substituted the following section:— Amendments as to certain penalties.

“Fines for offences for which no express penalty provided.

131.—(1) Subject as hereinafter in this Act provided, any person guilty of an offence under this Act for which no express penalty is provided by this Act shall be liable—

(a) if he is an employed person, to a fine not exceeding fifteen pounds;

(b) in any other case to a fine not exceeding sixty pounds;

and if the contravention in respect of which he was convicted is continued after the conviction he shall (subject to the provisions of section one hundred and thirty-two of this Act) be guilty of a further offence and liable in respect thereof to a fine not exceeding fifteen pounds for each day on which the contravention is so continued.

(2) In relation to a contravention which was likely to cause the death of, or bodily injury to, any person, subsection (1) of this section shall have effect as if for the references in paragraphs (a) and (b) to fifteen pounds and sixty pounds there were respectively substituted references to seventy-five pounds and three hundred pounds."

(2) The maximum penalties provided for by the provisions mentioned in the first column of the Second Schedule to this Act shall be increased by substituting for the amounts specified therein (which are set out in the second column of that Schedule) the amounts set out in the third column of that Schedule.

(3) This section shall not apply in relation to any offence committed before the coming into operation of this section.

Offences by
persons not
primarily
liable.

30.—(1) Any reference in sections one hundred and thirty-six to one hundred and thirty-eight of the principal Act (which provide for proceedings against and the punishment of the actual offender as well as or instead of the occupier or owner) to an occupier or owner shall be construed as including any other person liable for an act or default or, as the case may be, charged with an offence.

(2) The fine that may be imposed under the said section one hundred and thirty-six on an employed person where the offence is one for which no express penalty is provided shall be that specified in section one hundred and thirty-one of the principal Act in relation to employed persons, notwithstanding that the person primarily liable is not an employed person.

Revocation
of Defence
Regulation 59.

31.—(1) Regulation 59 of the Defence (General) Regulations, 1939 (which provides for exemptions from the principal Act) is hereby revoked.

(2) This section shall not affect the continued operation of any order made under the said Regulation 59, but any such order may be revoked by order of the Minister and shall, in so far as it could have been made under this Act, have effect as if so made; and any provision made by such an order which could have been made by special regulations under section twenty-three of this Act shall be deemed, until the order is revoked, to be contained in such regulations.

32.—(1) Any regulation or order made in the exercise of Regulations powers conferred by this Act shall be made by statutory instrument, except—

(a) an 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) an order revoking an order made otherwise than by statutory instrument.

(2) Any statutory instrument containing regulations under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

33.—(1) In this Act—

“ the Minister ” means the Minister of Labour and National Interpretation Service ;

“ the principal Act ” means the Factories Act, 1937 ;

and any expression used in this Act and in the principal Act has the same meaning in this Act as in that Act.

(2) Any reference in this Act to any other enactment is a reference thereto as amended, and includes a reference thereto as applied, by or under any subsequent enactment, including, except where the context otherwise requires, this Act.

(3) References in the principal Act or in the Factories Act, 1948, to the principal Act shall be construed as including references to this Act.

(4) References in any enactment to the Factories Acts, 1937 and 1948, shall be construed as including references to this Act.

34.—(1) This Act may be cited as the Factories Act, 1959, and this Act and the Factories Acts, 1937 and 1948, may be cited together as the Factories Acts, 1937 to 1959.

Short title,
citation, repeal,
commence-
ment and
extent.

(2) The enactments specified in Part I of the Third Schedule to this Act are hereby repealed to the extent specified in the third column of that Part, and the Regulations specified in Part II of that Schedule are hereby revoked to the extent specified in the second column of that Part.

(3) This Act shall come into operation on such day as the Minister may by order appoint, and different days may be appointed for different purposes of this Act.

(4) This Act, except subsection (1) of section twenty-two, does not extend to Northern Ireland.

SCHEDULES

Section 24.

FIRST SCHEDULE

MODIFICATIONS OF CERTAIN PROVISIONS IN RELATION
TO FACTORIES OCCUPYING PARTS OF BUILDINGS

1. Where a factory which is part of a building is either—

- (a) a part of a tenement factory ; or
- (b) a part let off as a separate factory but not a part of a tenement factory ;

the owner of the building shall be substituted for the occupier as the person on whom any duties are imposed or rights conferred by the provisions to which this paragraph applies or on whom any notice is to be served thereunder or who is liable for any contravention thereof.

2. For the purposes of the provisions to which paragraph 1 of this Schedule applies—

- (a) the whole of a tenement factory shall be deemed to be one factory ; and
- (b) any such factory as is mentioned in sub-paragraph (b) of that paragraph shall be deemed to include any part of the building used for the purposes of the factory.

3. The provisions to which paragraph 1 of this Schedule applies are sections thirty-four to thirty-six of the principal Act and section sixteen of this Act, except subsections (1) and (8) of the said section thirty-six and so much of subsection (2) of the said section thirty-four as requires the means of escape to be kept free from any obstruction caused by the use of the factory.

4. Subsections (1) and (8) of section thirty-six of the principal Act shall 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.

5. The occupier of any such factory as is mentioned in paragraph 1 of this Schedule shall inform the owner of the building of any such proposal as is mentioned in subsection (5) of section thirty-four of the principal Act.

6. In relation to a building comprising such a factory as is mentioned in sub-paragraph (b) of paragraph 1 of this Schedule, subsection (7) of section thirty-six of the principal Act shall have effect as if it required the warning referred to therein to be a warning in case of fire occurring anywhere in the building and to be audible in every part of the building which is used for the purposes of that or any other factory.

7.—(1) If on a complaint made by the owner of a building it appears to a magistrates' court that any occupier prevents him from carrying out any work, test or examination which he is required to carry out under the foregoing provisions of this Schedule, the court may order the occupier to permit him to do so.

(2) In the application of this paragraph to Scotland, for the references to a complaint and to a magistrates' court there shall be substituted respectively references to a summary application and to the sheriff.

1ST SCH.
—cont.

8. In relation to any such factory as is mentioned in paragraph 1 of this Schedule, the provisions of the principal Act and this Act requiring certificates in respect of means of escape in case of fire and the registration of such certificates and of tests or examinations carried out in pursuance of section sixteen of this Act shall have effect subject to the following modifications, that is to say—

- (a) the certificate under section thirty-four of the principal Act shall be issued to the owner of the building in which the factory is comprised and a copy thereof (or, if the certificate relates to more than one factory, of the relevant parts thereof) shall be issued to the occupier of the factory ;
- (b) where the certificate relates to a tenement factory it shall, notwithstanding sub-paragraph (a) of paragraph 2 of this Schedule, contain particulars as to each of the separate factories ;
- (c) the references in subsection (1) of section thirty-four of the principal Act and in section sixteen of this Act to the general register shall be construed as references to a register to be kept by the owner of the building, and subsection (3) of section one hundred and forty-two of the principal Act (which makes the general register evidence of certain matters) shall apply in relation to any register kept by the owner in pursuance of this paragraph as if he were the occupier of the factory ;
- (d) the reference in subsection (2) of section one hundred and sixteen of the principal Act (as amended by this Act) to the certificate shall be construed as a reference to the copy issued in pursuance of this paragraph.

9. Where, in the case of a certificate issued under section thirty-four of the principal Act before the coming into operation of this Schedule,—

- (a) neither the certificate nor a copy thereof was issued to the owner mentioned in sub-paragraph (a) of paragraph 8 of this Schedule ; or
- (b) neither the certificate nor a copy thereof or of the relevant part thereof was issued to the occupier mentioned in that sub-paragraph ;

the council 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 sub-paragraph (c) of the said paragraph 8.

Section 29.

SECOND SCHEDULE
INCREASE OF MAXIMUM PENALTIES

Amended provision	Original maximum penalty	New maximum penalty
The Factories Act, 1937:		
Section 17 (2)	£100	£200
Section 29 (12)	£50	£100
Section 34 (1)	£50	£200
	£5 for each day ...	£20 for each day
Section 62 (4)	£50	£100
Section 64 (3)	£5	£10
Section 66 (2)	£2	£4
Section 68 (1) (g) ...	£10	£20
	£10 for every day	£20 for every day
Section 104 (2) (e) ...	£5	£10
Section 110 (5)	£10	£20
Section 114 (3)	£5	£10
Section 123 (4)	£5	£20
Section 132	£5 for each day ...	£10 for each day
Section 134	£5	£10
The Factories Act, 1948:		
Section 5 (3)	£20	£40
	£5 for each day ...	£10 for each day

Section 34.

THIRD SCHEDULE

REPEALS

PART I

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
1 Edw. 8. & 1 Geo. 6. c. 67.	The Factories Act, 1937.	<p>In section twenty-eight, in subsection (1), the words "into any work-room".</p> <p>In section twenty-nine, in subsection (8), the words from "For the purposes" to the end of the subsection; and in subsection (9), the words from the beginning to the second "and".</p> <p>In section thirty-four, subsection (12); and in subsection (14), paragraph (a).</p> <p>In section thirty-six, in subsection (6), the word "red".</p> <p>In section fifty-six, in subsection (1), the word "young".</p> <p>In section sixty, in subsection (1), the words "used in factories"; and in subsection (3), the words from "in which" to "is used" and the word "such".</p>

Session and Chapter	Short Title	Extent of Repeal
1 Edw. 8. & 1 Geo. 6. c. 67— <i>cont.</i>	The Factories Act, 1937— <i>cont.</i>	In section one hundred and one, in paragraph (ii) of subsection (1), the words “ means of escape in case of fire, safety provisions in case of fire ” and in paragraph (b) of the proviso to that subsection, the words “ the provisions of Part II with respect to safety provisions in case of fire or ”. In section one hundred and two, the words from “ means of escape ” (in the first place where those words occur) to the end of the words preceding the proviso and the words “ means of escape in case of fire and safety provisions in case of fire ” where they occur in the proviso. In section one hundred and sixteen, in subsection (2), the words “ a copy of ”. Section one hundred and thirty-three.
11 & 12 Geo. 6. c. 55.	The Factories Act, 1948.	In section eight, subsection (2). In section eleven, subsections (2) and (3). In the First Schedule, in subsection (1) of section sixty of the principal Act as set out therein, the words “ used in factories ”.

3RD SCH.
—*cont.*

PART II

REGULATIONS REVOKED

The Defence (General) Regulations, 1939.	Regulation 59. Part V so far as applicable to Regulation 59.
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Table of Statutes referred to in this Act

Short Title	Session and Chapter
Employment of Women, Young Persons and Children Act, 1920	10 & 11 Geo. 5. c. 65.
Local Government Act, 1933	23 & 24 Geo. 5. c. 51.
Hours of Employment (Conventions) Act, 1936	26 Geo. 5. & 1 Edw. 8. c. 22.
Public Health Act, 1936... ..	26 Geo. 5. & 1 Edw. 8. c. 49.
Factories Act, 1937	1 Edw. 8. & 1 Geo. 6. c. 67.
Fire Services Act, 1947	10 & 11 Geo. 6. c. 41.
Local Government (Scotland) Act, 1947 ...	10 & 11 Geo. 6. c. 43.
Factories Act, 1948	11 & 12 Geo. 6. c. 55.
Building (Scotland) Act, 1959	7 & 8 Eliz. 2. c. 24.

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