Offices, Shops and Railway Premises Act 1963

1963 CHAPTER 41

An Act to make fresh provision for securing the health, safety and welfare of persons employed to work in office or shop premises and provision for securing the health, safety and welfare of persons employed to work in certain railway premises; to amend certain provisions of the Factories Act 1961; and for purposes connected with the matters aforesaid. [31st July 1963]

Modifications etc. (not altering text)

C1 Act extended by Atomic Energy Authority Act 1971 (c. 11), **s. 18(1)**

C2 Act amended by S.I. 1988/1222, **regs. 3**, 4

C3 Act amended by S.I. 1990/1380, **reg. 3**
Act saved by virtue of Health and Safety at Work Act 1974 (c. 37, SIF 43:3), s. 53, **Sch. 1** and Tay Road Bridge Order Confirmation Act 1991 (c. iv), **Sch. Pt. VII**, s. 62

C4 Act saved by virtue of Health and Safety at Work Act 1974 (c. 37, SIF 43:3), s. 53, **Sch. 1** and Highland Regional Council (Harbours) Order Confirmation Act (c. xii), s, 61(1)(f)

Scope of Act

1 Premises to which this Act applies.

(1) The premises to which this Act applies are office premises, shop premises and railway premises, being (in each case) premises in the case of which persons are employed to work therein.

(2) In this Act—

(a) "office premises" means a building or part of a building, being a building or part the sole or principal use of which is as an office or for office purposes;

(b) "office purposes" includes the purposes of administration, clerical work, handling money and telephone and telegraph operating; and

Status: *Point in time view as at 25/07/1991.*
Changes to legislation: *There are currently no known outstanding effects for the Offices, Shops and Railway Premises Act 1963. (See end of Document for details)*

(c) "clerical work" includes writing, book-keeping, sorting papers, filing, typing, duplicating, machine calculating, drawing and the editorial preparation of matter for publication;

and for the purposes of this Act premises occupied together with office premises for the purposes of the activities there carried on shall be treated as forming part of the office premises.

(3) In this Act—

(a) "shop premises" means—

(i) a shop;

(ii) a building or part of a building, being a building or part which is not a shop but of which the sole or principal use is the carrying on there of retail trade or business;

(iii) a building occupied by a wholesale dealer or merchant where goods are kept for sale wholesale or a part of a building so occupied where goods are so kept, but not including a warehouse belonging to the owners, trustees or conservators of a dock, wharf or quay;

(iv) a building to which members of the public are invited to resort for the purpose of delivering there goods for repair or other treatment or of themselves there carrying out repairs to, or other treatment of, goods, or a part of a building to which members of the public are invited to resort for that purpose;

(v) any premises (in this Act referred to as "fuel storage premises") occupied for the purpose of a trade or business which consists of, or includes, the sale of solid fuel, being premises used for the storage of such fuel intended to be sold in the course of that trade or business, but not including dock storage premises or colliery storage premises;

(b) "retail trade or business" includes the sale to members of the public of food or drink for immediate consumption, retail sales by auction and the business of lending books or periodicals for the purpose of gain;

(c) "solid fuel" means coal, coke and any solid fuel derived from coal or of which coal or coke is a constituent;

(d) "dock storage premises" means fuel storage premises which constitute or are comprised in premises to which certain provisions of the [M1]Factories Act 1961 apply by virtue of section 125(1) (docks, etc.) of that Act; and

(e) "colliery storage premises" means fuel storage premises which form part of premises which, for the purposes of the [M2]Mines and Quarries Act 1954, form part of a mine or quarry, other than premises where persons are regularly employed to work by a person other than the owner (as defined by that Act) of the mine or quarry;

and for the purposes of this Act premises occupied together with a shop or with a building or part of a building falling within sub-paragraph (ii), (iii) or (iv) of paragraph (a) above for the purposes of the trade or business carried on in the shop or, as the case may be, the building or part of a building, shall be treated as forming part of the shop or, as the case may be, of the building or part of the building, and premises occupied together with fuel storage premises for the purposes of the activities there carried on (not being office premises) shall be treated as forming part of the fuel storage premises, but for the purposes of this Act office premises comprised in fuel storage premises shall be deemed not to form part of the last-mentioned premises.

(4) In this Act "railway premises" means a building occupied by railway undertakers for the purposes of the railway undertaking carried on by them and situate in the immediate vicinity of the permanent way or a part (so occupied) of a building so situate, but does not include—

(a) office or shop premises;

(b) premises used for the provision of living accommodation for persons employed in the undertaking, or hotels; or

(c) premises wherein are carried on such processes or operations as are mentioned in section 123(1) (electrical stations) of the [M3]Factories Act 1961 and for such supply as is therein mentioned.

(5) For the purposes of this Act premises maintained in conjunction with office, shop or railway premises for the purpose of the sale or supply for immediate consumption of food or drink wholly or mainly to persons employed to work in the premises in conjunction with which they are maintained shall, if they neither form part of those premises nor are required by the foregoing provisions of this section to be treated as forming part of them, be treated for the purposes of this Act as premises of the class within which fall the premises in conjunction with which they are maintained.

Modifications etc. (not altering text)

C5 S. 1 extended by Radiological Protection Act 1970 (c. 46), **s. 2(6)**

Marginal Citations

M1 1961 c. 34.

M2 1954 c. 70.

M3 1961 c. 34.

2 Exception for premises in which only employer's relatives or outworkers work.

(1) This Act shall not apply to any premises to which it would, apart from this subsection, apply, if none of the persons employed to work in the premises is other than the husband, wife, parent, grandparent, son, daughter, grandchild, brother or sister of the person by whom they are so employed.

(2) A dwelling shall not, for the purposes of this Act, be taken to constitute or comprise premises to which this Act applies by reason only that a person dwelling there who is employed by a person who does not so dwell does there the work that he is employed to do in compliance with a term of his contract of service that he shall do it there.

Modifications etc. (not altering text)

C6 S. 2 extended by Radiological Protection Act 1970 (c. 46), **s. 2(6)**

3 Exception for premises where only 21 manhours weekly normally worked.

(1) This Act shall not apply to any premises to which it would, apart from this subsection, apply, if the period of time worked there during each week does not normally exceed twenty-one hours.

(2) For the purposes of this section the period of time worked in any premises shall be deemed to be—

(a) as regards a week in which one person only is employed to work in the premises, the period of time worked by him there;

(b) as regards a week in which two persons or more are so employed, the sum of the periods of time for which respectively those persons work there.

(3) . . . . . [F1]

Textual Amendments

F1 Ss. 3(3), 4(3), 6(5), 7(2), 8(2), 9(3)(4), 10(3)(4), 12(3), 20–22, 23(2), 25, 26, 27(3), 42(8)–(10), 43(6)–(8), 45, 46(12)(14), 49(2), 50, 54, 56–58, 61, 62, 65, 66, 68, 70(2)–(4), 71(1), 74(2)–(4), 75(2), 80(5)(6)(8), 81, Sch. 1 repealed by S.I. 1974/1943, reg. 4, **Sch. 1**

Modifications etc. (not altering text)

C7 S. 3 extended by Radiological Protection Act 1970 (c. 46), **s. 2(6)**

Health, Safety and Welfare of Employees (General Provisions)

4 Cleanliness.

(1) All premises to which this Act applies, and all furniture, furnishings and fittings in such premises shall be kept in a clean state.

(2) No dirt or refuse shall be allowed to accumulate in any part of premises to which this Act applies in which work, or through which pass, any of the persons employed to work in the premises; and the floors of, and any steps comprised in, any such part as aforesaid shall be cleaned not less than once a week by washing or, if it is effective and suitable, by sweeping or other method.

(3) . . . . . [F2]

[[F3](4) Subsection (2) of this section shall not**]** be construed as being in derogation of the general obligation imposed by subsection (1) of this section.

(5) Nothing in this section or in regulations thereunder shall apply to fuel storage premises which are wholly in the open, and, in the case of such premises which are partly in the open, so much of them as is in the open shall, for the purposes of this section and of such regulations, be treated as not forming part of the premises.

Textual Amendments

F2 Ss. 3(3), 4(3), 6(5), 7(2), 8(2), 9(3)(4), 10(3)(4), 12(3), 20–22, 23(2), 25, 26, 27(3), 42(8)–(10), 43(6)–(8), 45, 46(12)(14), 49(2), 50, 54, 56–58, 61, 62, 65, 66, 68, 70(2)–(4), 71(1), 74(2)–(4), 75(2), 80(5)(6)(8), 81, Sch. 1 repealed by S.I. 1974/1943, reg. 4, **Sch. 1**

F3 Words substituted by S.I. 1974/1943, **Sch. 2 para. 1**

Modifications etc. (not altering text)

C8 S. 4 extended by Radiological Protection Act 1970 (c. 46), **s. 2(6)**

5 Overcrowding.

(1) No room comprised in, or constituting, premises to which this Act applies shall, while work is going on therein, be so overcrowded as to cause risk of injury to the health of persons working therein; and in determining, for the purposes of this subsection, whether any such room is so overcrowded as aforesaid, regard shall be had (amongst other things) not only to the number of persons who may be expected to be working in the room at any time but also to the space in the room occupied by furniture, furnishings, fittings, machinery, plant, equipment, appliances and other things (whether similar to any of those aforesaid or not).

(2) The number of persons habitually employed at a time to work in such a room as aforesaid shall not be such that the quotient derived by dividing by that number the number which expresses in **[**[F4]square metres**]** the area of the surface of the floor of the room is less than **[**[F5]3.7**]** or the quotient derived by dividing by the first-mentioned number the number which expresses in **[**[F6]cubic metres**]** the capacity of the room is less than **[**[F7]11**]**.

(3) Subsection (2) of this section—

(a) shall not prejudice the general obligation imposed by subsection (1) thereof;

(b) shall not apply to a room to which members of the public are invited to resort; and

(c) shall not, in the case of a room comprised in, or constituting, premises of any class (being a room which at the passing of this Act is comprised in, or constitutes, premises to which this Act applies), have effect until the expiration of the period of three years beginning with the day on which the said subsection (1) comes into force as respects premises of that class.

Textual Amendments

F4 Words substituted by S.I. 1982/827, **reg. 2(1)**(*a*)

F5 Figure substituted by S.I. 1982/827, **reg. 2(1)**(*b*)

F6 Words substituted by S.I. 1982/827, **reg. 2(1)**(*c*)

F7 Figure substituted by S.I. 1982/827, **reg. 2(1)**(*d*)

Modifications etc. (not altering text)

C9 S. 5 extended by Radiological Protection Act 1970 (c. 46), **s. 2(6)**

6 Temperature.

(1) Effective provision shall be made for securing and maintaining a reasonable temperature in every room comprised in, or constituting, premises to which this Act applies, being a room in which persons are employed to work otherwise than for short periods, but no method shall be used which results in the escape into the air of any such room of any fume of such a character and to such extent as to be likely to be injurious or offensive to persons working therein.

(2) Where a substantial proportion of the work done in a room to which the foregoing subsection applies does not involve severe physical effort, a temperature of less than **[**[F8]16 degrees Celsius**]** shall not be deemed, after the first hour, to be a reasonable temperature while work is going on.

(3) The foregoing subsections shall not apply—

(a) to a room which comprises, or is comprised in or constitutes, office premises, being a room to which members of the public are invited to resort, and in which the maintenance of a reasonable temperature is not reasonably practicable; or

(b) to a room which comprises, or is comprised in or constitutes, shop or railway premises, being a room in which the maintenance of a reasonable temperature is not reasonably practicable or would cause deterioration of goods;

but there shall be provided for persons who are employed to work in a room to which, but for the foregoing provisions of this subsection, subsection (1) of this section would apply, conveniently accessible and effective means of enabling them to warm themselves.

(4) In premises to which this Act applies there shall, on each floor on which there is a room to which subsection (1) of this section applies, be provided in a conspicuous place and in such a position as to be easily seen by the persons employed to work in the premises on that floor a thermometer of a kind suitable for enabling the temperature in any such room on that floor to be readily determined; and a thermometer provided in pursuance of this subsection shall be kept available for use by those persons for that purpose.

(5) F9

(6) It shall be the duty of the employer of persons for whom means of enabling them to warm themselves are provided in pursuance of subsection (3) of this section to afford them reasonable opportunities for using those means, and if he fails so to do he shall be guilty of an offence.

(7) In this section "fume" includes gas or vapour.

Textual Amendments

F8 Words substituted by S.I. 1982/827, reg. 2(2), **Sch.**

F9 Ss. 3(3), 4(3), 6(5), 7(2), 8(2), 9(3)(4), 10(3)(4), 12(3), 20–22, 23(2), 25, 26, 27(3), 42(8)–(10), 43(6)–(8), 45, 46(12)(14), 49(2), 50, 54, 56–58, 61, 62, 65, 66, 68, 70(2)–(4), 71(1), 74(2)–(4), 75(2), 80(5)(6)(8), 81, Sch. 1 repealed by S.I. 1974/1943, reg. 4, **Sch. 1**

Modifications etc. (not altering text)

C10 S. 6 extended by Radiological Protection Act 1970 (c. 46), **s. 2(6)**

7 Ventilation.

(1) Effective and suitable provision shall be made for securing and maintaining, by the circulation of adequate supplies of fresh or artificially purified air, the ventilation of every room comprised in, or constituting, premises to which this Act applies, being a room in which persons are employed to work.

(2) F10

Textual Amendments

F10 Ss. 3(3), 4(3), 6(5), 7(2), 8(2), 9(3)(4), 10(3)(4), 12(3), 20–22, 23(2), 25, 26, 27(3), 42(8)–(10), 43(6)–(8), 45, 46(12)(14), 49(2), 50, 54, 56–58, 61, 62, 65, 66, 68, 70(2)–(4), 71(1), 74(2)–(4), 75(2), 80(5)(6)(8), 81, Sch. 1 repealed by S.I. 1974/1943, reg. 4, **Sch. 1**

Modifications etc. (not altering text)

C11 S. 7 extended by Radiological Protection Act 1970 (c. 46), **s. 2(6)**

8 Lighting.

(1) Effective provision shall be made for securing and maintaining, in every part of premises to which this Act applies in which persons are working or passing, sufficient and suitable lighting, whether natural or artificial.

(2) **F11**

(3) All glazed windows and skylights used for the lighting of any part of premises to which this Act applies in which work, or through which pass, any of the persons employed to work in the premises shall, so far as reasonably practicable, be kept clean on both the inner and outer surfaces and free from obstruction; but this subsection shall not affect the white-washing or shading of windows or skylights for the purpose of mitigating heat or glare.

(4) All apparatus installed at premises to which this Act applies for producing artificial lighting thereat in parts in which the securing of lighting is required by this section to be provided for shall be properly maintained.

Textual Amendments

F11 Ss. 3(3), 4(3), 6(5), 7(2), 8(2), 9(3)(4), 10(3)(4), 12(3), 20–22, 23(2), 25, 26, 27(3), 42(8)–(10), 43(6)–(8), 45, 46(12)(14), 49(2), 50, 54, 56–58, 61, 62, 65, 66, 68, 70(2)–(4), 71(1), 74(2)–(4), 75(2), 80(5)(6)(8), 81, Sch. 1 repealed by S.I. 1974/1943, reg. 4, **Sch. 1**

Modifications etc. (not altering text)

C12 S. 8 extended by Radiological Protection Act 1970 (c. 46), **s. 2(6)**

9 Sanitary conveniences.

(1) There shall, in the case of premises to which this Act applies, be provided, at places conveniently accessible to the persons employed to work in the premises, suitable and sufficient sanitary conveniences for their use.

(2) Conveniences provided in pursuance of the foregoing subsection shall be kept clean and properly maintained and effective provision shall be made for lighting and ventilating them.

(3), (4) . . . **F12**

(5) Subsection (1) of this section shall be deemed to be complied with in relation to any premises as regards any period during which there are in operation arrangements for enabling the persons employed to work in the premises to have the use of sanitary conveniences provided for the use of others, being conveniences whose provision would have constituted compliance with that subsection had they been provided in pursuance thereof for the first-mentioned persons and with respect to which the requirements of subsection (2) of this section are satisfied.

(6) Neither [F13section 45] of the M4Public Health Act 1936 nor section 29 of the M5Public Health (Scotland) Act 1897 . . . F14 (which relate to the provision and repair of sanitary conveniences for factories, &c.) shall apply to premises to which this Act applies.

Textual Amendments

F12 Ss. 3(3), 4(3), 6(5), 7(2), 8(2), 9(3)(4), 10(3)(4), 12(3), 20–22, 23(2), 25, 26, 27(3), 42(8)–(10), 43(6)–(8), 45, 46(12)(14), 49(2), 50, 54, 56–58, 61, 62, 65, 66, 68, 70(2)–(4), 71(1), 74(2)–(4), 75(2), 80(5)(6)(8), 81, Sch. 1 repealed by S.I. 1974/1943, reg. 4, **Sch. 1**

F13 Words substituted by Building Act 1984 (c. 55, SIF 15), s. 133(1), **Sch. 6 para. 11**

F14 Words repealed by London Government Act 1963 (c. 33), s. 93, **Sch. 18 Pt. II**

Modifications etc. (not altering text)

C13 S. 9 extended by Radiological Protection Act 1970 (c. 46), **s. 2(6)**

Marginal Citations

M4 1936 c. 49.

M5 1897 c. 38.

10 Washing facilities.

(1) There shall, in the case of premises to which this Act applies, be provided, at places conveniently accessible to the persons employed to work in the premises, suitable and sufficient washing facilities, including a supply of clean, running hot and cold or warm water and, in addition, soap and clean towels or other suitable means of cleaning or drying.

(2) Every place where facilities are provided in pursuance of this section shall be provided with effective means of lighting it and be kept clean and in orderly condition, and all apparatus therein for the purpose of washing or drying shall be kept clean and be properly maintained.

(3) F15

(5) Subsection (1) of this section shall be deemed to be complied with in relation to any premises as regards any period during which there are in operation arrangements for enabling the persons employed to work in the premises to have the use of washing facilities provided for the use of others, being facilities whose provision would have constituted compliance with that subsection had they been provided in pursuance thereof for the first-mentioned persons and which are provided at a place with respect to which the requirements of subsection (2) of this section are satisfied.

Textual Amendments

F15 Ss. 3(3), 4(3), 6(5), 7(2), 8(2), 9(3)(4), 10(3)(4), 12(3), 20–22, 23(2), 25, 26, 27(3), 42(8)–(10), 43(6)–(8), 45, 46(12)(14), 49(2), 50, 54, 56–58, 61, 62, 65, 66, 68, 70(2)–(4), 71(1), 74(2)–(4), 75(2), 80(5)(6)(8), 81, Sch. 1 repealed by S.I. 1974/1943, reg. 4, **Sch. 1**

Modifications etc. (not altering text)

C14 S. 10 extended by Radiological Protection Act 1970 (c. 46), **s. 2(6)**

11 Supply of drinking water.

(1) There shall, in the case of premises to which this Act applies, be provided and maintained, at suitable places conveniently accessible to the persons employed to work in the premises, an adequate supply of wholesome drinking water.

(2) Where a supply of water provided at a place in pursuance of the foregoing subsection is not piped, it must be contained in suitable vessels and must be renewed at least daily; and all practicable steps must be taken to preserve it and the vessels in which it is contained from contamination.

(3) Where water a supply of which is provided in pursuance of this section is delivered otherwise than in a jet from which persons can conveniently drink, there shall either—

(a) be provided, and be renewed so often as occasion requires, a supply of drinking vessels of a kind designed to be discarded after use; or

(b) be provided a sufficient number of drinking vessels of a kind other than as aforesaid, together with facilities for rinsing them in clean water.

(4) Subsection (1) of this section shall be deemed to be complied with in relation to any premises as regards any period during which there are in operation arrangements for enabling the persons employed to work in the premises to avail themselves of a supply of drinking water provided and maintained for the use of others, being a supply whose provision and maintenance would have constituted compliance with that subsection had it been provided and maintained for the use of the first-mentioned persons, and—

(a) where the supply provided is not piped, the requirements of subsection (2) of this section are satisfied as respects it and the vessels in which it is contained; and

(b) where the water supplied is delivered as mentioned in subsection (3) of this section, the requirements of that subsection are satisfied.

Modifications etc. (not altering text)

C15 S. 11 extended by Radiological Protection Act 1970 (c. 46), **s. 2(6)**

12 Accommodation for clothing.

(1) There shall, in the case of premises to which this Act applies,—

(a) be made, at suitable places, suitable and sufficient provision for enabling such of the clothing of the persons employed to work in the premises as is not worn by them during working hours to be hung up or otherwise accommodated; and

(b) be made, for drying that clothing, such arrangements as are reasonably practicable or, if a standard of arrangements for drying that clothing is prescribed, such arrangements as conform to that standard.

(2) Where persons are employed to do such work in premises to which this Act applies as necessitates the wearing of special clothing, and they do not take that clothing home, there shall, in the case of those premises,—

(a) be made, at suitable places, suitable and sufficient provision for enabling that clothing to be hung up or otherwise accommodated; and

(b) be made, for drying that clothing, such arrangements as are reasonably practicable or, if a standard of arrangements for drying that clothing is prescribed, such arrangements as conform to that standard.

(3) F16

Textual Amendments

F16 Ss. 3(3), 4(3), 6(5), 7(2), 8(2), 9(3)(4), 10(3)(4), 12(3), 20–22, 23(2), 25, 26, 27(3), 42(8)–(10), 43(6)–(8), 45, 46(12)(14), 49(2), 50, 54, 56–58, 61, 62, 65, 66, 68, 70(2)–(4), 71(1), 74(2)–(4), 75(2), 80(5)(6)(8), 81, Sch. 1 repealed by S.I. 1974/1943, reg. 4, **Sch. 1**

Modifications etc. (not altering text)

C16 S. 12 extended by Radiological Protection Act 1970 (c. 46), **s. 2(6)**

13 Sitting facilities.

(1) Where persons who are employed to work in office, shop or railway premises have, in the course of their work, reasonable opportunities for sitting without detriment to it, there shall be provided for their use, at suitable places conveniently accessible to them, suitable facilities for sitting sufficient to enable them to take advantage of those opportunities.

(2) Where persons are employed to work in a room which comprises, or is comprised in or constitutes, shop premises, being a room whereto customers are invited to resort, and have in the course of their work, reasonable opportunities for sitting without detriment to it, facilities provided for their use in pursuance of subsection (1) of this section shall be deemed not to be sufficient if the number of seats provided and the number of the persons employed are in less ratio than 1 to 3.

(3) It shall be the duty of the employer of persons for whose use facilities are provided in pursuance of the foregoing provisions of this section to permit them to use them whenever the use thereof does not interfere with their work, and if he fails so to do he shall be guilty of an offence.

Modifications etc. (not altering text)

C17 S. 13 extended by Radiological Protection Act 1970 (c. 46), **s. 2(6)**

14 Seats for sedentary work.

(1) Without prejudice to the general obligation imposed by the last foregoing section, where any work done in any premises to which this Act applies is of such a kind that it (or a substantial part of it) can, or must, be done sitting, there shall be provided for each person employed to do it there a seat of a design, construction and dimenstions suitable for him and it, together with a foot-rest on which he can readily and comfortably support his feet if he cannot do so without one.

(2) A seat provided in pursuance of the foregoing subsection, and a foot-rest so provided that does not form part of a seat, must be adequately and properly supported while in use for the purpose for which it is provided.

(3) For the purpose of subsection (1) of this section, the dimensions of an adjustable seat shall be taken to be its dimensions as for the time being adjusted.

Modifications etc. (not altering text)
C18 S. 14 extended by Radiological Protection Act 1970 (c. 46) s. 2(6)

15 Eating facilities.

Where persons employed to work in shop premises eat meals there, suitable and sufficient facilities for eating them shall be provided.

Modifications etc. (not altering text)
C19 S. 15 extended by Radiological Protection Act 1970 (c. 46), **s. 2(6)**

16 Floors, passages and stairs.

(1) All floors, stairs, steps, passages and gangways comprised in premises to which this Act applies shall be of sound construction and properly maintained and shall, so far as is reasonably practicable, be kept free from obstruction and from any substance likely to cause persons to slip.

(2) For every staircase comprised in such premises as aforesaid, a substantial hand-rail or hand-hold shall be provided and maintained, which, if the staircase has an open side, shall be on that side; and in the case of a staircase having two open sides or of a staircase which, owing to the nature of its construction or the condition of the surface of the steps or other special circumstances, is specially liable to cause accidents, such a hand-rail or hand-hold shall be provided and maintained on both sides.

(3) Any open side of a staircase to which the last foregoing subsection applies, shall also be guarded by the provision and maintenance of efficient means of preventing any person from accidentally falling through the space between the hand-rail or hand-hold and the steps of the staircase.

(4) All openings in floors comprised in premises to which this Act applies shall be securely fenced, except in so far as the nature of the work renders such fencing impracticable.

(5) The foregoing provisions of this section shall not apply to any such part of any fuel storage premises as is in the open, but in relation to any such part the following provisions shall have effect, namely,—
   (a) the surface of the ground shall be kept in good repair;
   (b) all steps and platforms shall be of sound construction and properly maintained;
   (c) all openings in platforms shall be securely fenced, except in so far as the nature of the work renders such fencing impracticable.

Modifications etc. (not altering text)
C20 S. 16 extended by Radiological Protection Act 1970 (c. 46), **s. 2(6)**

17 Fencing of exposed parts of machinery.

(1) Every dangerous part of any machinery used as, or forming, part of the equipment of premises to which this Act applies shall be securely fenced unless it is in such a position or of such construction as to be as safe to every person working in the premises as it would be if securely fenced.

(2) In so far as the safety of a dangerous part of any machinery cannot, by reason of the nature of the operation effected by means of the machinery, be secured by means of a fixed guard, the requirements of the foregoing subsection shall be deemed to be complied with if a device is provided that automatically prevents the operator from coming into contact with that part.

(3) . . . . . [F17]

(4) Fencing provided in pursuance of the foregoing provisions of this section shall be of substantial construction, be properly maintained and be kept in position while the parts required to be fenced are in motion or use . . . [F18].

(5) . . . . . [F19]

Textual Amendments

F17 S. 17(3) repealed by Employment Act 1989 (c. 38, SIF 43:1), ss. 9(5)(a), 29(4), **Sch. 7 Pt. II**

F18 Words repealed by Employment Act 1989 (c. 38, SIF 43:1), ss. 9(5)(6), 29(4), **Sch. 7 Pt. II**

F19 S. 17(5) repealed by Employment Act 1989 (c. 38, SIF 43:1), ss. 9(5)(c), 29(4), **Sch. 7 Pt. II**

Modifications etc. (not altering text)

C21 S. 17 extended by Radiological Protection Act 1970 (c. 46), **s. 2(6)**

18 Avoidance of exposure of young persons to danger in cleaning machinery.

(1) No young person employed to work in premises to which this Act applies shall clean any machinery used as, or forming, part of the equipment of the premises if doing so exposes him to risk of injury from a moving part of that or any adjacent machinery.

(2) In this section "young persons" means a person who has not attained the age of eighteen.

Modifications etc. (not altering text)

C22 S. 18 extended by Radiological Protection Act 1970 (c. 46), **s. 2(6)**

19 Training and supervision of persons working at dangerous machines.

(1) No person employed to work in premises to which this Act applies shall work there at any machine to which this section applies unless he has been fully instructed as to the dangers arising in connection with it and the precautions to be observed, and—

(a) has received a sufficient training in work at the machine; or

(b) is under adequate supervision by a person who has a thorough knowledge and experience of the machine.

(2) This section applies to such machines as may be prescribed by order of the Minister, being machines which in his opinion are of such a dangerous character that persons ought not to work at them unless the foregoing requirements are complied with.

Modifications etc. (not altering text)

C23 S. 19 extended by Radiological Protection Act 1970 (c. 46), **s. 2(6)**

20—22. . . . . . F20

Textual Amendments

F20 Ss. 3(3), 4(3), 6(5), 7(2), 8(2), 9(3)(4), 10(3)(4), 12(3), 20–22, 23(2), 25, 26, 27(3), 42(8)–(10), 43(6)–(8), 45, 46(12)(14), 49(2), 50, 54, 56–58, 61, 62, 65, 66, 68, 70(2)–(4), 71(1), 74(2)–(4), 75(2), 80(5)(6)(8), 81, Sch. 1 repealed by S.I. 1974/1943, reg. 4, **Sch. 1**

23 Prohibition of heavy work.

(1) No person shall, in the course of his work in premises to which this Act applies, be required to lift, carry or move a load so heavy as to be likely to cause injury to him.

(2) F21

Textual Amendments

F21 Ss. 3(3), 4(3), 6(5), 7(2), 8(2), 9(3)(4), 10(3)(4), 12(3), 20–22, 23(2), 25, 26, 27(3), 42(8)–(10), 43(6)–(8), 45, 46(12)(14), 49(2), 50, 54, 56–58, 61, 62, 65, 66, 68, 70(2)–(4), 71(1), 74(2)–(4), 75(2), 80(5)(6)(8), 81, Sch. 1 repealed by S.I. 1974/1943, reg. 4, **Sch. 1**

Modifications etc. (not altering text)

C24 S. 23 extended by Radiological Protection Act 1970 (c. 46), **s. 2(6)**

24 . . . . . F22

Textual Amendments

F22 s. 24 repealed (with saving) by S.I. 1981/917, reg. 7, **Sch. 1**

25, 26. . . . . . F23

Textual Amendments

F23 Ss. 3(3), 4(3), 6(5), 7(2), 8(2), 9(3)(4), 10(3)(4), 12(3), 20–22, 23(2), 25, 26, 27(3), 42(8)–(10), 43(6)–(8), 45, 46(12)(14), 49(2), 50, 54, 56–58, 61, 62, 65, 66, 68, 70(2)–(4), 71(1), 74(2)–(4), 75(2), 80(5)(6)(8), 81, Sch. 1 repealed by S.I. 1974/1943, reg. 4, **Sch. 1**

27

(1) F24

(3) F25

Textual Amendments

F24 27(1)(2), 47, 51, 79 repealed by S.I. 1975/1011, **Sch.**

F25 Ss. 3(3), 4(3), 6(5), 7(2), 8(2), 9(3)(4), 10(3)(4), 12(3), 20–22, 23(2), 25, 26, 27(3), 42(8)–(10), 43(6)–(8), 45, 46(12)(14), 49(2), 50, 54, 56–58, 61, 62, 65, 66, 68, 70(2)–(4), 71(1), 74(2)–(4), 75(2), 80(5)(6)(8), 81, Sch. 1 repealed by S.I. 1974/1943, reg. 4, **Sch. 1**

28—41. . . . . . F26

Textual Amendments

F26 28–41, 42(11)(12)(14)–(16), 43(9)(10)(12)–(14) , 60(1), 71(2), 76(1)(2), 83(3) repealed by S.I. 1976/2005, **Sch.**

Special Provisions with respect to Buildings whereof Parts are Office, &c., Premises and with respect to certain contiguous Fuel Storage Premises

42 Provisions with respect to buildings in single ownership.

(1) A building to which this section applies is one all parts of which are in the same ownership and a part of which consists of premises to which this Act applies, being premises held under a lease or an agreement for a lease or under a licence; and in this section a reference to a common part of a building to which this section applies shall be taken to refer to a part of the building that is used for the purposes of, but is not comprised in, a part of the building that consists of premises to which this Act applies.

(2) The following provisions shall have effect for securing the cleanliness of common parts of buildings to which this section applies, that is to say:—

(a) every common part of a building to which this section applies, and all furniture, furnishings and fittings in such a part, shall be kept in a clean state;

(b) F27

(3) The following provisions shall have effect for securing the illumination of common parts of buildings to which this section applies, that is to say:—

(a) effective provision shall be made for securing and maintaining, in every such part of a common part of a building to which this section applies as the

following, namely, a part in which persons are working or passing, suitable and sufficient lighting, whether natural or artificial;

(b) . . . . . [F28]

(c) all glazed windows and skylights used for the lighting of a part of a common part of a building to which this section applies in which the securing of lighting is required by this subsection to be provided for shall, so far as reasonably practicable, be kept clean on both the inner and outer surfaces and free from obstruction;

(d) all apparatus installed in a common part of a building to which this section applies for producing artificial lighting in a part of that part in which the securing of lighting is required by this subsection to be provided for shall be properly maintained;

but paragraph (c) above shall not affect the whitewashing or shading of windows or skylights for the purpose of mitigating heat or glare.

(4) Section 16(1) of this Act shall apply to floors, stairs, steps, passages and gangways comprised in, or constituting, a common part of a building to which this section applies as it applies to floors, stairs, steps, passages and gangways in premises to which this Act applies, section 16(2) of this Act shall apply to a staircase comprised in, or constituting, a common part of such a building as it applies to such a staircase as is mentioned in that subsection, and section 16(3) of this Act shall apply to an open side of such a staircase as is first mentioned in this subsection as it applies to an open side of such a staircase as is mentioned in the said subsection (2).

(5) In the event of a contravention, in relation to a common part of a building to which this section applies, of subsection (2) or (3) of this section . . . [F29] and in the event of a contravention, in relation to any thing constituting, or comprised in, any such common part, of section 16 of this Act as applied by the last foregoing subsection, the owner of the building shall be guilty of an offence.

(6) For a contravention, in relation to premises comprised in a building to which this section applies, of section 9 of this Act (other than a contravention consisting in a failure to keep clean conveniences provided in pursuance of that section, not being conveniences provided for use jointly by the persons employed to work in the premises and by other persons), the owner of the building shall be responsible instead of the occupier of the premises.

(7) For a contravention, in relation to premises comprised in a building to which this section applies, of section 10 of this Act (other than a contravention consisting in a failure to provide means of cleaning or drying or a failure to keep clean and in orderly condition the place where facilities are provided in pursuance of that section, not being facilities provided for use jointly by the persons employed to work in the premises and by other persons) the owner of the building shall be responsible instead of the occupier of the premises.

(8) . . . . . [F30]

(11) . . . . . [F31]

(13) . . . . . [F32]

(14) . . . . . [F31]

Textual Amendments

F27 S. 42(2)(b) repealed by S.I. 1974/1943, reg. 4, **Sch. 1**

F28 S. 42(3)(b) repealed by S.I. 1974/1943, reg. 4, **Sch. 1**

F29 Words repealed by S.I. 1975/1011, **Sch.**

F30 Ss. 3(3), 4(3), 6(5), 7(2), 8(2), 9(3)(4), 10(3)(4), 12(3), 20–22, 23(2), 25, 26, 27(3), 42(8)–(10), 43(6)–(8), 45, 46(12)(14), 49(2), 50, 54, 56–58, 61, 62, 65, 66, 68, 70(2)–(4), 71(1), 74(2)–(4), 75(2), 80(5)(6)(8), 81, Sch. 1 repealed by S.I. 1974/1943, reg. 4, **Sch. 1**

F31 28–41, 42(11)(12)(14)–(16), 43(9)(10)(12)–(14) , 60(1), 71(2), 76(1)(2), 83(3) repealed by S.I. 1976/2005, **Sch.**

F32 42(13), 43(11) repealed except in relation to offences committed before 1.1.1977, by S.I. 1976/2005, **Sch.**

Modifications etc. (not altering text)

C25 S. 42 extended by Radiological Protection Act 1970 (c. 46), **s. 2(6)**

43 Provisions with respect to buildings plurally owned.

(1) A building to which this section applies is one of which different parts are owned by different persons and of which a part consists of premises to which this Act applies; and in this section a reference to a common part of a building to which this section applies shall be taken to refer to a part of the building that is used for the purposes of, but is not comprised in, a part of the building that consists of premises to which this Act applies.

(2) Subsections (2) and (3) of the last foregoing section shall, with the substitution, for references to buildings to which that section applies and to common parts thereof, of references respectively to buildings to which this section applies and to common parts thereof, have effect for securing the cleanliness and illumination of common parts of buildings to which this section applies as they have effect for securing the cleanliness and illumination of common parts of buildings to which that section applies; and in the event of a contravention, in relation to a common part of a building to which this section applies, of either of those subsections or of regulations under either of them, the owner of the part (or, if there are more owners than one of the part, each of them) shall be guilty of an offence.

(3) Section 16(1) of this Act shall apply to floors, stairs, steps, passages and gangways comprised in, or constituting, a common part of a building to which this section applies as it applies to floors, stairs, steps, passages and gangways in premises to which this Act applies, section 16(2) of this Act shall apply to a staircase comprised in, or constituting, a common part of such a building as it applies to such a staircase as is mentioned in that subsection, and section 16(3) of this Act shall apply to an open side of such a staircase as is first-mentioned in this subsection as it applies to an open side of such a staircase as is mentioned in the said subsection (2); and in the event of a contravention, in relation to any thing constituting, or comprised in, any such common part, of section 16 of this Act as applied by this subsection, the owner of the part (or if there are more owners than one of the part, each of them) shall be guilty of an offence.

(4) For a contravention, in relation to premises consisting of part of any such part of a building to which this section applies as is owned by one of the persons who between them own the building (being premises held under a lease or an agreement for a lease or under a licence), of section 9 of this Act (other than a contravention consisting in

a failure to keep clean conveniences provided in pursuance of that section, not being conveniences provided for use jointly by the persons employed to work in the premises and by other persons), the first-mentioned person shall be responsible instead of the occupier of the premises.

(5) For a contravention, in relation to premises consisting of part of any such part of a building to which this section applies as is owned by one of the persons who between them own the building (being premises held under a lease or an agreement for a lease or under a licence), of section 10 of this Act (other than a contravention consisting in a failure to provide means of cleaning or drying or a failure to keep clean and in orderly condition the place where facilities are provided in pursuance of that section, not being facilities provided for use jointly by the persons employed to work in the premises and by other persons) the first-mentioned person shall be responsible instead of the occupier of the premises.

(6) F33

(9) F34

(11) F35

(12) F34

Textual Amendments

F33 Ss. 3(3), 4(3), 6(5), 7(2), 8(2), 9(3)(4), 10(3)(4), 12(3), 20–22, 23(2), 25, 26, 27(3), 42(8)–(10), 43(6)–(8), 45, 46(12)(14), 49(2), 50, 54, 56–58, 61, 62, 65, 66, 68, 70(2)–(4), 71(1), 74(2)–(4), 75(2), 80(5)(6)(8), 81, Sch. 1 repealed by S.I. 1974/1943, reg. 4, **Sch. 1**

F34 28–41, 42(11)(12)(14)–(16), 43(9)(10)(12)–(14) , 60(1), 71(2), 76(1)(2), 83(3) repealed by S.I. 1976/2005, **Sch.**

F35 42(13), 43(11) repealed except in relation to offences committed before 1.1.1977, by S.I. 1976/2005, **Sch.**

Modifications etc. (not altering text)

C26 S. 43 extended by Radiological Protection Act 1970 (c. 46), **s. 2(6)**

44 Provisions with respect to contiguous fuel storage premises in single ownership.

Where two sets or more of fuel storage premises any of which is held under a lease or an agreement for a lease or under a licence are established on a parcel of land all parts of which are in the same ownership, then—

(a) For a contravention, in relation to any of those sets of premises, of section 9 of this Act (other than a contravention consisting in a failure to keep clean conveniences provided in pursuance of that section, not being conveniences provided for use jointly by the persons employed to work in that set of premises and by other persons); and

(b) for a contravention, in relation to any of those sets of premises, of section 10 of this Act (other than a contravention consisting in a failure to provide means of cleaning and drying or a failure to keep clean and in orderly condition the place where facilities are provided in pursuance of that section, not being facilities provided for use jointly by the persons employed to work in that set of premises and by other persons);

the owner of that set of premises shall be responsible instead of the occupier thereof.

Modifications etc. (not altering text)

C27 S. 44 extended by Radiological Protection Act 1970 (c. 46), **s. 2(6)**

Exemptions

45 . . . . . F36

Textual Amendments

F36 Ss. 3(3), 4(3), 6(5), 7(2), 8(2), 9(3)(4), 10(3)(4), 12(3), 20–22, 23(2), 25, 26, 27(3), 42(8)–(10), 43(6)–(8), 45, 46(12)(14), 49(2), 50, 54, 56–58, 61, 62, 65, 66, 68, 70(2)–(4), 71(1), 74(2)–(4), 75(2), 80(5)(6)(8), 81, Sch. 1 repealed by S.I. 1974/1943, reg. 4, **Sch. 1**

46 Power of authorities who enforce Act to grant exemptions from certain requirements thereof.

(1) The authority having power to enforce, with respect to any premises, the following provisions of this Act, namely, section 5(2) and sections 6 and 9, may—

(a) exempt the premises or any room therein from all or any of the requirements imposed by the said sections 5(2) and 6;

(b) exempt the premises from all or any of the requirements imposed by the said section 9;

if satisfied that, in the circumstances affecting the subject of the exemption, compliance with the requirements or requirement from which exemption is granted is not reasonably practicable.

(2) The authority having power to enforce section 10(1) of this Act with respect to any premises may, if satisfied that it is not reasonably practicable for running water to be supplied there or for running water so supplied to be heated, exempt the premises from so much of that subsection as requires the water supplied to be running water.

(3) An exemption under subsection (1) of this section of, or of a room in, any premises from a requirement of a provision of this Act may be granted for a period not exceeding two years, but may from time to time be extended for a further such period beyond the expiration of the period at the expiration of which it would otherwise expire if the authority having power to enforce that provision with respect to the premises are satisfied as mentioned in subsection (1) of this section and are further satisfied that the person who, if the exemption were not in force, would be responsible for a contravention in relation to the premises of that provision (being a contravention consisting in a failure to comply with that requirement) has not failed to do anything the doing of which might have rendered compliance with that requirement reasonably practicable.

(4) An exemption under subsection (2) of this section may be granted without limit of time or for a specified period; but the grant of such an exemption for a specified period shall not preclude the grant of the like exemption for further periods.

(5) An exemption of, or of a room in, any premises from a requirement imposed by a provision of this Act shall not be granted or extended under this section—

(a) except upon application made to **[**[F37]the authority having power to enforce with respect to the premises the provision imposing the requirement**]**, in such form as may be prescribed by order made by the Minister,—

(i) in a case where the grant of an exemption is sought, by the person who would be responsible for a contravention in relation to the premises of that provision (being a contravention consisting in a failure to comply with that requirement);

(ii) in a case where the extension of an exemption is sought, by the person who, if the exemption were not in force, would be responsible as aforesaid;

(b) unless the application is accompanied by a certificate in such form as may be so prescribed, that the obligation to which the applicant is subject by virtue of subsection (6)(a) below has been complied with; and

(c) until the expiration of the period of fourteen days beginning with the day next following that on which the application is made.

(6) In relation to an application for the grant or extension of an exemption under this section of, or of a room in, any premises, compliance by the applicant with the following requirements shall be requisite, namely,—

(a) he must, immediately before the application is made, post in the premises, in such a position, and in such characters, as to be easily seen and read by the persons employed to work in the premises, a notice—

(i) stating that such an application is being made;

(ii) specifying the requirement from which exemption or, as the case may be, further exemption, is being sought;

(iii) specifying the period for which the grant or, as the case may be, the extension, is being sought (or if, where a grant of exemption is being sought under subsection (2) of this section, it be the case that the grant thereof without limit of time is being sought, specifying that fact);

(iv) specifying the name and address of the authority to whom the application is being made and notifying the persons aforesaid that written representations with respect to the application may be made by any of them to that authority before the expiration of the period of fourteen days beginning with the day next following that on which the notice is posted in compliance with this paragraph;

(b) he must keep the said notice posted as aforesaid throughout the last-mentioned period;

and a person making an application under this section who fails to comply with an obligation to which he is, in relation to the application, subject by virtue of this subsection shall be guilty of an offence and liable **[**[F38]on summary conviction**]** to a fine not exceeding **[**[F39]level 1 on the standard scale**]**.

(7) An exemption under this section of, or of a room in, any premises from a requirement imposed by a provision of this Act may, if the authority having power to enforce that provision with respect to the premises cease to be satisfied with respect to the matters with respect to which they were satisfied when the exemption was granted or, if the exemption has been extended under subsection (3) of this section, when it was extended, be withdrawn by that authority provided that three months' notice of intention to withdraw it has been given to the person who, if the exemption were not in force, would be responsible for a contravention in relation to the premises

Status: *Point in time view as at 25/07/1991.*
Changes to legislation: *There are currently no known outstanding effects for the Offices, Shops and Railway Premises Act 1963. (See end of Document for details)*

of that provision (being a contravention consisting in a failure to comply with that requirement).

(8) Where an exemption of, or of a room in, any premises from a requirement imposed by a provision of this Act or an extension of such an exemption is granted under this section by an authority, a certificate of the grant or extension shall be sent by the authority to the person who, if the exemption were not in force, would be responsible for a contravention in relation to the premises of that provision (being a contravention consisting in a failure to comply with that requirement).

(9) A certificate such as is mentioned in the last foregoing subsection shall, so long as the exemption whose grant or extension is certified thereby continues in force, be kept posted in the premises to which the exemption relates in such a position as to be easily seen and read by the persons employed to work in the premises.

(10) Notice of the refusal by an authority to grant or extend an exemption under this section shall be given by them to the applicant for the grant or extension and also (if it be the case that representations with respect to the application were duly made by the persons employed to work in the premises to which the application related or any of those persons), either individually to such of those persons as duly made representations or to a person appearing to the authority to be representative of such of those persons as duly made representations or to each of a number of persons who appear to the authority to be representative between them of such of those persons as duly made representations.

(11) A person who is aggrieved—

(a) by the refusal of an authority to grant or extend an exemption under this section of, or of a room in, any premises; or

(b) by a notice of intention to withdrawn such an exemption;

may, within twenty-one days of the refusal or, as the case may be, service of the notice, appeal, if the premises are situate in England or Wales, to a magistrates' court acting for the petty sessions area in which they are situate, or, if they are situate in Scotland, to the sheriff within whose jurisdiction they are situate, and on any such appeal—

(i) in a case falling within paragraph (a) above, the court or sheriff, if satisfied with respect to the matters with respect to which the authority would have to have been satisfied as a condition of their granting or extending the exemption, may order the authority to grant or extend it, in the case of an exemption under subsection (1) of this section, for such period not exceeding two years as may be specified in the order, and, in the case of an exemption under subsection (2) of this section, either without limit of time or for such period as may be so specified;

(ii) in a case falling within paragraph (b) above, the court or sheriff, if satisfied with respect to the matters with respect to which the authority were satisfied when the exemption was granted or, if it has been extended, when it was extended, may order the authority to cancel the notice of intention to withdraw the exemption.

(12) . . . . . [F40]

(13) In relation to an application made under this section with respect to, or to a room in, premises which form part of a building to which section 42 or 43 of this Act applies, subsection (6) above shall have effect with the substitution, for the words in paragraph (a) "post in the premises", of the words "post in the premises or in a part

of the building which for the purposes of the said section 42 or the said section 43 (as the case may be) is referred to as a common part of the building".

(14) . . . . . [F40]

Textual Amendments

F37 Words substituted by S.I. 1974/1943, **Sch. 2 para. 5**

F38 Words inserted by S.I. 1974/1943, **Sch. 2**, para. 2

F39 Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38**, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 289F**, 289G

F40 Ss. 3(3), 4(3), 6(5), 7(2), 8(2), 9(3)(4), 10(3)(4), 12(3), 20–22, 23(2), 25, 26, 27(3), 42(8)–(10), 43(6)–(8), 45, 46(12)(14), 49(2), 50, 54, 56–58, 61, 62, 65, 66, 68, 70(2)–(4), 71(1), 74(2)–(4), 75(2), 80(5)(6)(8), 81, Sch. 1 repealed by S.I. 1974/1943, reg. 4, **Sch. 1**

Modifications etc. (not altering text)

C28 S. 46 extended by Radiological Protection Act 1970 (c. 46), **s. 2(6)**

47 . . . . . [F41]

Textual Amendments

F41 27(1)(2), 47, 51, 79 repealed by S.I. 1975/1011, **Sch.**

48 . . . . . [F42]

Textual Amendments

F42 S. 48 repealed by S.I. 1980/804, reg. 13, **Sch. 5 Pt. I**

Information

49 Notification of fact of employment of persons.

(1) Before a person first begins, after the coming into operation of this subsection with respect to any office, shop or railway premises, to employ persons to work therein, he shall serve on the appropriate authority two copies of a notice stating that persons will be employed by him so to work and containing such other (if any) information as may be prescribed by order of the Minister, being a notice in such form and of such size as may be so prescribed.

(2) . . . . . [F43]

(3) A person who fails to comply with an obligation to which he is subject by virtue of **[**[F44]the foregoing subsection**]** shall be guilty of an offence and liable **[**[F45]on summary conviction**]** to a fine not exceeding **[**[F46]level 1 on the standard scale**]**.

(4) Proceedings for an offence under this section may be commenced at any time within twelve months from the time when the offence was committed.

(5) In this section "appropriate authority" has the same meaning as in the last foregoing section.

Textual Amendments

F43 Ss. 3(3), 4(3), 6(5), 7(2), 8(2), 9(3)(4), 10(3)(4), 12(3), 20–22, 23(2), 25, 26, 27(3), 42(8)–(10), 43(6)–(8), 45, 46(12)(14), 49(2), 50, 54, 56–58, 61, 62, 65, 66, 68, 70(2)–(4), 71(1), 74(2)–(4), 75(2), 80(5)(6)(8), 81, Sch. 1 repealed by S.I. 1974/1943, reg. 4, **Sch. 1**

F44 Words substituted by S.I. 1974/1943, **Sch. 2**, para. 7

F45 Words inserted by S.I. 1974/1943, **Sch. 2**, para. 2

F46 Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38**, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 289F**, 289G

Modifications etc. (not altering text)

C29 S. 49 extended by Radiological Protection Act 1970 (c. 46), **s. 2(6)**

50 . . . . . F47

Textual Amendments

F47 Ss. 3(3), 4(3), 6(5), 7(2), 8(2), 9(3)(4), 10(3)(4), 12(3), 20–22, 23(2), 25, 26, 27(3), 42(8)–(10), 43(6)–(8), 45, 46(12)(14), 49(2), 50, 54, 56–58, 61, 62, 65, 66, 68, 70(2)–(4), 71(1), 74(2)–(4), 75(2), 80(5)(6)(8), 81, Sch. 1 repealed by S.I. 1974/1943, reg. 4, **Sch. 1**

51 . . . . . F48

Textual Amendments

F48 27(1)(2), 47, 51, 79 repealed by S.I. 1975/1011, **Sch.**

Enforcement

52 Authorities who are to enforce Act.

(1) F49

(5) F50

(6) F49

Textual Amendments

F49 52(1)–(4)(6)(7), 89 repealed by S.I. 1977/746, **Sch. 4**

F50 S. 52(5) repealed by S.I. 1989/1903, **reg. 7(1)**

53 . . . . . [F51]

Textual Amendments

F51 S. 53, 55, 70(1) repealed by S.I. 1974/1943, reg. 4, **Sch. 1** and S.I. 1976/2005, **Sch.**

54 . . . . . [F52]

Textual Amendments

F52 Ss. 3(3), 4(3), 6(5), 7(2), 8(2), 9(3)(4), 10(3)(4), 12(3), 20–22, 23(2), 25, 26, 27(3), 42(8)–(10), 43(6)–(8), 45, 46(12)(14), 49(2), 50, 54, 56–58, 61, 62, 65, 66, 68, 70(2)–(4), 71(1), 74(2)–(4), 75(2), 80(5)(6)(8), 81, Sch. 1 repealed by S.I. 1974/1943, reg. 4, **Sch. 1**

55 . . . . . [F53]

Textual Amendments

F53 S. 53, 55, 70(1) repealed by S.I. 1974/1943, reg. 4, **Sch. 1** and S.I. 1976/2005, **Sch.**

56—58. . . . . . [F54]

Textual Amendments

F54 Ss. 3(3), 4(3), 6(5), 7(2), 8(2), 9(3)(4), 10(3)(4), 12(3), 20–22, 23(2), 25, 26, 27(3), 42(8)–(10), 43(6)–(8), 45, 46(12)(14), 49(2), 50, 54, 56–58, 61, 62, 65, 66, 68, 70(2)–(4), 71(1), 74(2)–(4), 75(2), 80(5)(6)(8), 81, Sch. 1 repealed by S.I. 1974/1943, reg. 4, **Sch. 1**

59 Restriction of disclosure of information.

If a person discloses (otherwise than in the performance of his duty or for the purposes of any legal proceedings, including arbitrations, or for the purposes of a report of any such proceedings as aforesaid) any information obtained by him in any premises entered by him in exercise of powers conferred by or by virtue of this Act, he shall be guilty of an offence . . . [F55]

Textual Amendments

F55 Words repealed by S.I. 1974/1943, reg. 4, **Sch. 1**

60

(1) . . . . . [F56]

(2) . . . . . [F57]

Textual Amendments

F56 28–41, 42(11)(12)(14)–(16), 43(9)(10)(12)–(14) , 60(1), 71(2), 76(1)(2), 83(3) repealed by S.I. 1976/2005, **Sch.**

F57 S. 60(2) repealed, except in relation to reports made before 1.1.1977 by S.I. 1976/2005, **Sch.**

61, 62. . . . . . [F58]

Textual Amendments

F58 Ss. 3(3), 4(3), 6(5), 7(2), 8(2), 9(3)(4), 10(3)(4), 12(3), 20–22, 23(2), 25, 26, 27(3), 42(8)–(10), 43(6)–(8), 45, 46(12)(14), 49(2), 50, 54, 56–58, 61, 62, 65, 66, 68, 70(2)–(4), 71(1), 74(2)–(4), 75(2), 80(5)(6)(8), 81, Sch. 1 repealed by S.I. 1974/1943, reg. 4, **Sch. 1**

Offences, Penalties and legal Proceedings

63 Offences.

(1) In the event of a contravention, in relation to any premises to which this Act applies, of any such provisions of this Act as are mentioned in subsection (2) of this section or of regulations made under any such provisions, then—

(a) except in a case falling within either of the two following paragraphs, the occupier of the premises shall be guilty of an offence;

(b) in a case where the contravention is one for which, by or by virtue of this Act, some other person or persons is or are made responsible as well as the occupier of the premises, that other person or those other persons and the occupier shall each be guilty of an offence;

(c) in a case where the contravention is one for which, by or by virtue of this Act, some other person or persons is or are made responsible instead of the occupier of the premises, that other person or each of those other persons shall be guilty of an offence.

(2) The provisions of this Act referred to in the foregoing subsection are sections 4, 5, 6(1) to (5), 7 to 12, 13(1), 14 to 19, 23, 24, . . . [F59], 46(9) and 48(1) and (2).

[[F60](3) A person who contravenes a provision of regulations under section 20 or 50 of this Act shall be guilty of an offence.**]**

Textual Amendments

F59 Words repealed, except in relation to offences committed before 1.1.1977 by S.I. 1976/2005, **Sch.**

F60 S. 63(3) added by S.I. 1974/1943, **Sch. 2**, para. 11

64 . . . . . [F61]

Textual Amendments

F61 S. 64 repealed, except in relation to offences under sections 28 to 38, 42(16) and 43(14) committed before 1.1.1977 by S.I. 1976/2005, **Sch.**

65, 66. . . . . . [F62]

Textual Amendments

F62 Ss. 3(3), 4(3), 6(5), 7(2), 8(2), 9(3)(4), 10(3)(4), 12(3), 20–22, 23(2), 25, 26, 27(3), 42(8)–(10), 43(6)–(8), 45, 46(12)(14), 49(2), 50, 54, 56–58, 61, 62, 65, 66, 68, 70(2)–(4), 71(1), 74(2)–(4), 75(2), 80(5)(6)(8), 81, Sch. 1 repealed by S.I. 1974/1943, reg. 4, **Sch. 1**

67 Defence available to persons charged with offences.

It shall be a defence for a person charged with a contravention of a provision of this Act or of regulations thereunder to prove that he used all due diligence to secure compliance with that provision.

68 . . . . . [F63]

Textual Amendments

F63 Ss. 3(3), 4(3), 6(5), 7(2), 8(2), 9(3)(4), 10(3)(4), 12(3), 20–22, 23(2), 25, 26, 27(3), 42(8)–(10), 43(6)–(8), 45, 46(12)(14), 49(2), 50, 54, 56–58, 61, 62, 65, 66, 68, 70(2)–(4), 71(1), 74(2)–(4), 75(2), 80(5)(6)(8), 81, Sch. 1 repealed by S.I. 1974/1943, reg. 4, **Sch. 1**

69 Removal or defacement of documents posted in pursuance of Act or regulations under it.

If, without reasonable excuse, a person removes, . . . [F64] a notice or other document which is for the time being posted or displayed in any premises in pursuance of a provision of this Act or of regulations thereunder, he shall be guilty of an offence and liable **[**[F65]on summary conviction**]** to a fine not exceeding **[**[F66]level 1 on the standard scale**]**.

Textual Amendments

F64 Words repealed by Criminal Damage Act 1971 (c. 48), s. 11(8), **Sch. Pt. II**

F65 Words inserted by S.I. 1974/1943, **Sch. 2**, para. 2

F66 Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38**, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 289F**, 289G

70

(1) . . . . . [F67]

(2) . . . . . [F68]

Textual Amendments

F67 S. 53, 55, 70(1) repealed by S.I. 1974/1943, reg. 4, **Sch. 1** and S.I. 1976/2005, **Sch.**

F68 Ss. 3(3), 4(3), 6(5), 7(2), 8(2), 9(3)(4), 10(3)(4), 12(3), 20–22, 23(2), 25, 26, 27(3), 42(8)–(10), 43(6)–(8), 45, 46(12)(14), 49(2), 50, 54, 56–58, 61, 62, 65, 66, 68, 70(2)–(4), 71(1), 74(2)–(4), 75(2), 80(5)(6)(8), 81, Sch. 1 repealed by S.I. 1974/1943, reg. 4, **Sch. 1**

71

(1) **F69**

(2) **F70**

Textual Amendments

F69 Ss. 3(3), 4(3), 6(5), 7(2), 8(2), 9(3)(4), 10(3)(4), 12(3), 20–22, 23(2), 25, 26, 27(3), 42(8)–(10), 43(6)–(8), 45, 46(12)(14), 49(2), 50, 54, 56–58, 61, 62, 65, 66, 68, 70(2)–(4), 71(1), 74(2)–(4), 75(2), 80(5)(6)(8), 81, Sch. 1 repealed by S.I. 1974/1943, reg. 4, **Sch. 1**

F70 28–41, 42(11)(12)(14)–(16), 43(9)(10)(12)–(14) , 60(1), 71(2), 76(1)(2), 83(3) repealed by S.I. 1976/2005, **Sch.**

72 Appeal from orders made on complaint.

A person aggrieved by an order made by a magistrates' court on determining a complaint under this Act may appeal therefrom to **[**[F71]the Crown Court**]**.

Textual Amendments

F71 Words substituted by virtue of Courts Act 1971 (c. 23), s. 56(2), **Sch. 9 Pt. I**

73 Power of county court and sheriff to modify agreements and apportion expenses.

(1) A person who, by reason of the terms of an agreement or lease relating to any premises, is prevented from therein carrying out or doing any structural or other alterations or other thing whose carrying out or doing is requisite in order to secure compliance with a provision of this Act or of regulations thereunder which is, or will become, applicable to the premises, . . . [F72] may apply to the county court within whose jurisdiction the premises are situate, and the court may make such an order setting aside or modifying any terms of the agreement or lease as the court considers just and equitable in the circumstances of the case.

(2) Where the carrying out or doing in any premises of any structural or other alterations or other thing whose carrying out or doing is requisite as mentioned in the foregoing subsection involves a person having an interest in the premises in expense or in increased expense, and he alleges that the whole or part of the expense or, as the case may be, the increase ought to be borne by some other person having an interest in the premises, the first-mentioned person may apply to the county court within whose jurisdiction the premises are situate, and the court, having regard to the terms of any agreement or lease relating to the premises, may by order give such directions with respect to the persons by whom the expense or increase is to be borne, and in what proportions it is to be borne by them and, if need be, for modification of the terms of

any such agreement or lease so far as concerns rent payable in respect of the premises as the court considers just and equitable in the circumstances of the case.

(3) In the application of this section to Scotland, for references to a county court there shall be substituted references to the sheriff.

Textual Amendments

F72 Words repealed by S.I. 1976/2005, **Sch.**

Amendments of other Acts

74 Amendment of sections 123(1) and 124(1) of Factories Act 1961, and provisions consequential thereon.

(1) For the purposes of section 123(1) (application of Act to electrical stations) of the [M6]Factories Act 1961, office premises to which this Act applies which are comprised in premises to which that subsection applies shall, notwithstanding that they are so comprised, be deemed not to form part of the premises.

(2) . . . . . [F73]

Textual Amendments

F73 Ss. 3(3), 4(3), 6(5), 7(2), 8(2), 9(3)(4), 10(3)(4), 12(3), 20–22, 23(2), 25, 26, 27(3), 42(8)–(10), 43(6)–(8), 45, 46(12)(14), 49(2), 50, 54, 56–58, 61, 62, 65, 66, 68, 70(2)–(4), 71(1), 74(2)–(4), 75(2), 80(5)(6)(8), 81, Sch. 1 repealed by S.I. 1974/1943, reg. 4, **Sch. 1**

Marginal Citations

M6 1961 c. 34.

75 Amendment of section 125(1) of Factories Act 1961, and provisions consequential thereon.

(1) For the purposes of section 125(1) (docks, etc.) of the Factories Act 1961, office premises to which this Act applies which are comprised in premises to which that subsection applies shall, notwithstanding that they are so comprised, be deemed not to form part of the premises.

(2) . . . . . [F74]

(3) The reference in the said section 125(1) to a warehouse in or for the purposes of which mechanical power is used, being a warehouse neither forming part of a factory nor belonging to the owners, trustees or conservators of a dock, wharf or quay, shall be construed as not including a building occupied by a wholesale dealer or merchant where goods are kept for sale wholesale or a part of a building so occupied where goods are so kept.

Textual Amendments

F74 Ss. 3(3), 4(3), 6(5), 7(2), 8(2), 9(3)(4), 10(3)(4), 12(3), 20–22, 23(2), 25, 26, 27(3), 42(8)–(10), 43(6)–(8), 45, 46(12)(14), 49(2), 50, 54, 56–58, 61, 62, 65, 66, 68, 70(2)–(4), 71(1), 74(2)–(4), 75(2), 80(5)(6)(8), 81, Sch. 1 repealed by S.I. 1974/1943, reg. 4, **Sch. 1**

76 Amendment of Public Health Act 1936.

(1) F75

(3) F76

Textual Amendments

F75 28–41, 42(11)(12)(14)–(16), 43(9)(10)(12)–(14) , 60(1), 71(2), 76(1)(2), 83(3) repealed by S.I. 1976/2005, **Sch.**

F76 S. 76(3) repealed by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 162(2), **Sch. 16 Pt III**

77 . . . . . F77

Textual Amendments

F77 S. 77 repealed by London Government Act 1963(c. 33), s. 93, Sch. 18 Pt. II

78 Provision for securing exercise of local Act powers in conformity with this Act.

A person required by or under a local Act to effect any alterations to, or to any apparatus or fittings in, a building shall not be treated as having acted in contravention of that enactment by reason of his failure to effect those alterations in so far as the failure is attributable to the fact that remedying it would involve a contravention of this Act or regulations thereunder.

General Provisions

79 . . . . . F78

Textual Amendments

F78 27(1)(2), 47, 51, 79 repealed by S.I. 1975/1011, **Sch.**

80 Regulations and orders.

(1) Any regulations or orders made under this Act by the Minister . . . F79 shall be made by statutory instrument.

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

(3) Any power conferred by this Act to make regulations and any power conferred by or by virtue of this Act to make an order . . . [F79] shall respectively include power to make different provision in relation to different circumstances.

(4) Any power conferred by this Act to prescribe standards or impose requirements shall include power to do so by reference to the approval of **[**[F80]the Health and Safety Executive**]**.

(5) . . . . . [F81]

(7) Any power conferred by or by virtue of this Act to make an order shall include power to vary or revoke the order by a subsequent order **[**[F82]and the provisions of section 50 of the [M7]Health and Safety at Work etc. Act 1974 shall apply to any such power as they apply to a power to make regulations.**]**

(8) . . . . . [F81]

Textual Amendments

F79 Words repealed by S.I. 1974/1943, reg. 4, **Sch. 1**

F80 Words substituted by S.I. 1974/1943, **Sch. 2 para. 13**

F81 Ss. 3(3), 4(3), 6(5), 7(2), 8(2), 9(3)(4), 10(3)(4), 12(3), 20–22, 23(2), 25, 26, 27(3), 42(8)–(10), 43(6)–(8), 45, 46(12)(14), 49(2), 50, 54, 56–58, 61, 62, 65, 66, 68, 70(2)–(4), 71(1), 74(2)–(4), 75(2), 80(5)(6)(8), 81, Sch. 1 repealed by S.I. 1974/1943, reg. 4, **Sch. 1**

F82 Words added by S.I. 1974/1943, **Sch. 2 para. 14**

Marginal Citations

M7 1974 c. 37.

81 . . . . . [F83]

Textual Amendments

F83 Ss. 3(3), 4(3), 6(5), 7(2), 8(2), 9(3)(4), 10(3)(4), 12(3), 20–22, 23(2), 25, 26, 27(3), 42(8)–(10), 43(6)–(8), 45, 46(12)(14), 49(2), 50, 54, 56–58, 61, 62, 65, 66, 68, 70(2)–(4), 71(1), 74(2)–(4), 75(2), 80(5)(6)(8), 81, Sch. 1 repealed by S.I. 1974/1943, reg. 4, **Sch. 1**

82 Expenses and receipts.

(1) There shall be defrayed out of moneys provided by Parliament—

(a) any expenses incurred by the Minister in carrying this Act into effect;

(b) any increase attributable to this Act in the expenses of the Minister of Power which, by virtue of section 3(3) of the [M8]Ministry of Fuel and Power Act 1945, are defrayed out of moneys so provided;

(c) any increase attributable to this Act in the sums payable by way of General Grant, Rate Deficiency Grant or Exchequer Equalisation Grant under the enactments relating to local government in England and Wales or in Scotland.

(2) Any sums received under this Act by the Minister shall be paid into the Exchequer.

Marginal Citations

M8 1945 c. 19.

83 Application to the Crown.

(1) The following provisions of this Act, namely sections 4 to **[**[F84]19**]**, 23, 24, 27, . . . [F85] 42 and 43 shall, in so far as they impose duties failure to comply with which might give rise to a liability in tort, be binding upon the Crown, and accordingly, for the purposes of those provisions and regulations under any of them, persons in the service of the Crown shall be taken to be employed if, apart from this subsection, they would not be so taken.

(2) Section 24(7) of this Act shall, in its application to premises occupied by the Crown, have effect with the substitution, for the reference to the authority having power to enforce compliance with the foregoing provisions of that section, of a reference **[**[F86]to the Health and Safety Executive**]**.

(3) . . . . . [F87]

(4) Section 46 of this Act shall, in the case of premises occupied by the Crown, have effect as if, for any reference to an authority having power to enforce any provision of this Act, there were substituted a reference **[**[F86]to the Health and Safety Executive**]** and as if the words in subsection (3) from "and are further satisfied" onwards, and **[**[F88]subsections (5) to (13)**]**, had been omitted; . . . [F89]

(5) . . . . . [F90]

(6) The reference in subsection (1) of this section to a liability in tort shall be construed as not including such a liability towards a member of the armed forces of the Crown, and the reference in that subsection to persons in the service of the Crown shall be construed as not including any such member.

(7) In the application of this section to Scotland any reference to a liability in tort shall be construed as a reference to a liability in reparation arising from any wrongful or negligent act or omission.

Textual Amendments

F84 Words substituted by virtue of S.I. 1975/1011, **reg. 2(b)**

F85 Words repealed by S.I. 1976/2005, **Sch.**

F86 Words substituted by virtue of S.I. 1974/1943, **Sch. 2 para. 15(a)**

F87 28–41, 42(11)(12)(14)–(16), 43(9)(10)(12)–(14) , 60(1), 71(2), 76(1)(2), 83(3) repealed by S.I. 1976/2005, **Sch.**

F88 Words substituted by S.I. 1974/1943, **Sch. 2 para. 15(c)**

F89 Words repealed by S.I. 1974/1943, reg. 4, **Sch. 1**

F90 S. 83(5) repealed by S.I. 1989/1903, **reg. 7(1)**

84 Exclusion of application to visiting forces.

(1) This Act shall not operate to create, towards a member of the naval, military or air forces of a country to which this section applies, a liability in tort against the Government of that country in respect of anything done or omitted by it or against another member of those forces in respect of anything done or omitted by him in the course of his duty.

(2) **[**[F91](2) This section applies to India, **[**[F92]Pakistan,**]** Ghana, the Federation of Malaya, the Republic of Cyprus, Tanganyika, Zambia, Botswana, Lesotho, Singapore, Swaziland, Tonga, Bangladesh, Western Samoa, Nauru, the New Hebrides **[**[F93], Brunei, Maldives**][**[F94], Namibia**]**and any country designated for the purposes of any provision of the [M9]Visiting Forces Act 1952 by Order in Council under section 1(2) of that Act.**]**

[[F95](2A) This Act shall not operate to create towards a member of a headquarters or organisaion designated for the purposes of the [M10]International Headquarters and Defence Organisations Act 1964 who is a member of the naval, military or air forces of any country a liability in tort against the headquarters or organisation in respect of anything done or omitted by it or against another member thereof in respect of anything done or omitted by him in the course of his duty.**]**

Textual Amendments

F91 S. 84(2) reproduced as amended by enactments listed in the Chronological Table of the Statutes and Papua New Guinea, Western Samoa and Nauru (Miscellaneous Provisions) Act 1980 (c. 2), **Sch. para. 13** and New Hebrides Act 1980 (c. 16), **Sch. 1 para. 8**

F92 Word inserted by Pakistan Act 1990 (c. 14, SIF 26:30), s. 1, **Sch. para. 6**

F93 Words inserted by Brunei and Maldives Act 1985 (c. 3, SIF 26:9A), s. 1, **Sch. para. 7**

F94 Words in s. 84(2) inserted (retrospective to 21. 3. 1990) by Namibia Act 1991 (c. 4, SIF 26:25A), s. 1, **Sch. para. 5** (with s. 2(2))

F95 S. 84(2A) inserted by S.I. 1965/1536, **Sch. 3**

Marginal Citations

M9 1952 c. 67.

M10 1964 c. 5.

85 Exclusion of application to factories, to certain fish sale-rooms and to parts below ground of mines.

(1) . . . . . [F96] nothing in this Act shall apply to any premises which, for the purposes of the [M11]Factories Act 1961, form part of a factory.

(2) With the exception of section 75(3) of this Act, nothing in this Act shall apply to any premises which, not being office premises, are used for the sale of fish by wholesale and constitute, or are comprised in, premises to which certain provisions of the Factories Act 1961 apply by virtue of section 125(1) (docks, etc.) of that Act.

(3) Nothing in this Act shall apply to any part below ground of premises which, for the purposes of the [M12]Mines and Quarries Act 1954, are a mine.

Textual Amendments

F96 Words repealed by S.I. 1974/1943, reg. 4, **Sch. 1**

Marginal Citations
M11 1961 c. 34.
M12 1954 c. 70.

86 Exclusion of application to premises occupied for transitory purposes.

(1) It shall be a defence in any legal proceedings to recover damages and in any prosecution, in so far as the proceedings or prosecution are or is based on an allegation of a contravention, in relation to any premises, of a provision of this Act or regulations thereunder, to prove that at the time of the alleged contravention the premises were occupied for a purpose that was accomplished before the expiration of a period beginning with the day on which they were occupied for that purpose and of such of the following lengths as is applicable to the circumstances of the case, that is to say, six months if the premises consist of a movable structure, and six weeks if not.

(2) The foregoing subsection shall not apply to a prosecution for an offence consisting in a failure to comply with an obligation imposed under section 49(1) of this Act to notify the appropriate authority that persons would be employed to work in any premises; but in any such prosecution it shall be a defence to prove that the persons in question were employed to work in the premises while they were occupied as mentioned in the foregoing subsection.

Provisions with respect to Northern Ireland, Isles of Scilly and Inner and Middle Temples

87 . . . . . [F97]

Textual Amendments
F97 S. 87 repealed by Northern Ireland Constitution Act 1973 (c. 36), **Sch. 6 Pt. I**

88 Application to Isles of Scilly.

This Act shall apply to the Isles of Scilly as if those Isles were a **[**[F98]district**]** and the Council of those Isles were the council of the **[**[F98]district**]**.

Textual Amendments
F98 Words substituted by Local Government Act 1972 (c. 70), **Sch. 29 para. 31**

89 . . . . . [F99]

Textual Amendments
F99 52(1)–(4)(6)(7), 89 repealed by S.I. 1977/746, **Sch. 4**

Interpretaion

90 Interpretation

(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

except in section 1(4) of this Act, "building" includes structure;

"contravention" includes, in relation to a provision of this Act or of regulations thereunder, a failure to comply with the provision, and the expression "contravene" shall be construed accordingly;

"employed" means employed under a contract of service or apprenticeship (whether oral or in writing, express or implied);

. . . . . F100

"fish" includes molluscs and crustaceans;

"fuel storage premises" has the meaning assigned to it by section 1(3)(a)(v) of this Act;

. . . . . F101

"magistrates' court" has the same meaning as in the M13Magistrates' Courts Act 1952;

. . . . . F102

"the Minister" means **[**F103the Secretary of State**]**;

"notice" means a notice in writing;

"office premises" has the meaning assigned to it by section 1(2) of this Act;

"owner"—

(a) as respects England and Wales, means the person for the time being receiving the rackrent of the premises, building or part of a building 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, building or part were let at a rackrent, and

(b) as respects Scotland, means the person for the time entitled to receive or who would, if the same were let, be entitled to receive, the rents of the premises, building or part of a building in connection with which the word is used and includes a trustee, factor, tutor or curator, and in the case of public or municipal property, applies to the persons to whom the management thereof is entrusted,

and "owned" and "ownership" shall be construed accordingly;

"petty sessions area" has the same meaning as in the M14Magistrates' Courts Act 1952;

"place of public entertainment" means—

(a) any premises used mainly for public music and dancing in respect of which there is in force a licence granted under the M15Disorderly Houses Act 1751;

(b) any premises in respect of which there is in force a licence granted under **[**F104section 1 of the Cinemas Act 1985**]**;

(c) a place of public resort had or kept under the authority of letters patent from Her Majesty, Her heirs or successors, or predecessors, or a licence under **[**F105the M16Theatres Act 1968**]**, for the performance of stage plays as defined in that Act;

"police authority" has the same meaning as in the [M17]Police Pensions Act 1921;

"railway premises" has the meaning assigned to it by section 1(4) of this Act;

"railway undertakers" means any persons authorised by an enactment or a provision of an order or scheme made under or confirmed by an Act to construct, work or carry on a railway;

"shop premises" has the meaning assigned to it by section 1(3) of this Act;

"week" means the period between midnight on Saturday night and midnight on the succeeding Saturday night.

(2) . . . . . [F106]

(3) For the purposes of this Act—

(a) persons employed by railway undertakers to do work the general control of the doing of which is exercised at railway premises, or at office premises occupied by the undertakers for the purposes of the railway undertaking carried on by them and situate in the immediate vicinity of the permanent way, shall be deemed to be employed to work in the premises at which the general control of the doing of their work is exercised notwithstanding that their work is in fact done elsewhere;

(b) neither railway premises nor such office premises as aforesaid shall be taken to be premises in the case of which persons are employed to work therein by reason only of the fact that persons employed by the undertakers who occupy the premises resort to the premises for the purpose only of discharging duties whose discharge is incidental to the work that they are primarily employed to do.

(4) For the purposes of this Act, any such person as follows shall be taken to be employed, namely,—

(a) a person appointed under section 6 or 7 of the [M18]Registration Service Act 1953 who exercises and performs his powers and duties in premises provided and maintained by the council within whose area his district or sub-district is situate;

(b) . . . . . [F107]

(c) a member of a police force maintained by a police authority.

(5) The definition of a class of premises, rooms or persons for the purposes of any regulations or order under this Act may be framed by reference to any circumstances whatever.

(6) Any reference in this Act to any other enactment shall, unless the context otherwise requires, be construed as a reference to that enactment as amended or extended by or under any subsequent enactment.

Textual Amendments

F100 Definitions repealed by S.I. 1974/1943, reg. 4, **Sch. 1** and 1976/2005, Sch.

F101 Definition of "local authority" repealed by S.I. 1977/746, **Sch. 4**

F102 Definition repealed by S.I. 1974/1943, reg. 4, **Sch. 1**

F103 Words substituted by virtue of S.I. 1968/729, **art. 3(2)**

F104 Words substituted by Cinemas Act 1985 (c. 13, SIF 45A), s. 24(1), **Sch. 2 para. 7**

F105 Words substituted by virtue of Interpretation Act 1978 (c. 30), **s. 17(2)(a)**

F106 S. 90(2) repealed by Electricity Act 1989 (c. 29, SIF 44:1), ss. 102, 112(3), Sch. 17 para. 35(1), **Sch. 18**

F107 S. 90(4)(b) repealed by Registration of Births, Deaths and Marriages (Scotland) Act 1965 (c. 49), **Sch. 2**

Modifications etc. (not altering text)

C30 Reference to Police Pensions Act 1921 (c. 31) to be construed as reference to (E.W.) Police Act 1964 (c. 48) and (S.) Police (Scotland) Act 1967 (c. 77)

Marginal Citations

M13 1952 c. 55.
M14 1952 c. 55.
M15 1751 c. 36.
M16 1968 c. 54.
M17 1921 c. 31.
M18 1953 c. 37.

Short Title, Commencement, Extent and Repeal

91 Short title, commencement, extent and repeal.

(1) This Act may be cited as the Offices, Shops and Railway Premises Act 1963.

(2) This Act shall come into operation on such day as the Minister may by order appoint, and different days may be appointed for the coming into operation of different provisions, of a particular provision in relation to premises of different classes or of a particular provision for different purposes.

(3) This Act shall not extend to Northern Ireland . . . [F108]

(4) The enactments specified in columns 1 and 2 of Schedule 2 to this Act are hereby repealed to the extent respectively specified in relation thereto in column 3 of that Schedule.

Textual Amendments

F108 Words repealed by Northern Ireland Constitution Act 1973 (c. 36), **Sch. 6 Pt. I**

Modifications etc. (not altering text)

C31 Power of appointment conferred by s. 91(2) fully exercised except in part, as regards certain premises in a covered market place: S.I. 1964/191, 1045 and 1989/2312

C32 The text of s. 91(4), Sch. 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Status: *Point in time view as at 25/07/1991.*
Changes to legislation: *There are currently no known outstanding effects for the Offices, Shops and Railway Premises Act 1963. (See end of Document for details)*

F109F109SCHEDULE 1

Textual Amendments

F109 Ss. 3(3), 4(3), 6(5), 7(2), 8(2), 9(3)(4), 10(3)(4), 12(3), 20–22, 23(2), 25, 26, 27(3), 42(8)–(10), 43(6)–(8), 45, 46(12)(14), 49(2), 50, 54, 56–58, 61, 62, 65, 66, 68, 70(2)–(4), 71(1), 74(2)–(4), 75(2), 80(5)(6)(8), 81, Sch. 1 repealed by S.I. 1974/1943, reg. 4, **Sch. 1**

. . . . . **F109**

Section 91

Modifications etc. (not altering text)

C33 The text of s. 91(4), Sch. 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

SCHEDULE 2
ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
26 Geo. 5 & 1 Edw. 8. c. 49.	The Public Health Act 1936.	In section 44(3), the words " to a shop to which the Shops Act, 1934, applies, or ". In section 45(4), the words " to a shop to which the Shops Act, 1934, applies, or ". Section 46(4). Section 92(3).
14 Geo. 6. c. 28	The Shops Act 1950 ...	Sections 37 to 39. In section 45, the words " or section thirty-seven ". In section 69(1), the words " and section thirty-seven ". In section 72, subsections (2) and (3), and in subsection (4), paragraph (b). In section 74(1), the definitions of " owner ", " Public Health Acts " and " sanitary authority ". In section 75, the last paragraph.
6 & 7 Eliz. 2. c. xxi.	The London County Council (General Powers) Act 1958.	Section 18.
8 & 9 Eliz. 2. c. 47.	The Offices Act 1960 ...	The whole Act.

Table of Statutes referred to in this Act

Short Title	Chapter
Disorderly Houses Act 1751	25 Geo. 2. c. 36.
Theatres Act 1843	6 & 7 Vict. c. 68.
Registration of Births, Deaths and Marriages (Scotland) Act 1854	17 & 18 Vict. c. 80.
Interpretation Act 1889	52 & 53 Vict. c. 63.
Public Health (Scotland) Act 1897	60 & 61 Vict. c. 38.
Forgery Act 1913	3 & 4 Geo. 5. c. 27.
Government of Ireland Act 1920	10 & 11 Geo. 5. c. 67.
Police Pensions Act 1921	11 & 12 Geo. 5. c. 31.
Local Government Act 1933	23 & 24 Geo. 5. c. 51.
Public Health Act 1936	26 Geo. 5. & 1 Edw. 8. c. 49.
Public Health (London) Act 1936	26 Geo. 5. & 1 Edw. 8. c. 50.
Nursing Homes Registration (Scotland) Act 1938	1 & 2 Geo. 6. c. 73.
Education Act 1944	7 & 8 Geo. 6. c. 31.
Ministry of Fuel and Power Act 1945 ...	8 & 9 Geo. 6. c. 19.
Statutory Instruments Act 1946	9 & 10 Geo. 6. c. 36.
Fire Services Act 1947	10 & 11 Geo. 6. c. 41.
Local Government (Scotland) Act 1947 ...	10 & 11 Geo. 6. c. 43.
Electricity Act 1947	10 & 11 Geo. 6. c. 54.
Criminal Justice Act 1948	11 & 12 Geo. 6. c. 58.
Criminal Justice (Scotland) Act 1949 ...	12, 13 & 14 Geo. 6. c. 94.
Magistrates' Courts Act 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 55.
Visiting Forces Act 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 67.
Registration Service Act 1953	1 & 2 Eliz. 2. c. 37.
Mines and Quarries Act 1954	2 & 3 Eliz. 2. c. 70.
Building (Scotland) Act 1959	7 & 8 Eliz. 2. c. 24.
Factories Act 1961	9 & 10 Eliz. 2. c. 34.

Status:
Point in time view as at 25/07/1991.

Changes to legislation:
There are currently no known outstanding effects for the Offices, Shops and Railway Premises Act 1963.