



Factories Act 1937

1937 CHAPTER 67 1 Edw 8 and 1 Geo 6

PART XIV

INTERPRETATION AND GENERAL.

General.

156 Application to Scotland.

- (1) The provisions of this section shall have effect for the purpose of the application of this Act to Scotland.
- (2)
 - (a) The Department of Health for Scotland shall be substituted for the Minister of Health and the Scottish Education Department shall be substituted for the Board of Education.
 - (b) The expressions "medical officer of health" and "sanitary inspector" have the like meanings as in the Public Health (Scotland) Act, 1897, the expression "information" means complaint; the expression "informant" means prosecutor; the expression "defendant" means accused person; the expression "summons" means order; the expression "owner" 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, 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 the expression "young person" means a person who has attained the age of fourteen and has not attained the age of eighteen, but does not include any person whose parent is required under or by virtue of the Education (Scotland) Acts, 1872 to 1936, to provide efficient education for him.
 - (c) For any reference to a local education authority under the Education Act, 1921, there shall be substituted a reference to an education authority for the purposes of the Education (Scotland) Acts, 1872 to 1936; for any reference to section fourteen of the Education Act, 1918, there shall be substituted a reference to section seventeen of the Education (Scotland) Act, 1918; for any reference to a county court there shall be substituted a reference to the sheriff;

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for any reference to county court rules there shall be substituted a reference to Act of Sederunt; for any reference to a witness attending before a court of record there shall be substituted a reference to a witness attending an inquiry under the Fatal Accidents Inquiry (Scotland) Act, 1895; for any reference to a master of the Supreme Court there shall be substituted a reference to the auditor of the sheriff court; for the reference in subsection (1) of section one hundred and fifty-seven of this Act to the Ministry of Health Act, 1919, there shall be substituted a reference to the Scottish Board of Health Act, 1919, and to the Reorganisation of Offices (Scotland) Act, 1928; for any reference to the Births and Deaths Registration Acts, 1836 to 1929, there shall be substituted a reference to the Registration of Births, Deaths and Marriages (Scotland) Acts, 1854 to 1934.

- (3) All matters required by this Act to be published in the London Gazette shall, if they relate to Scotland, be published in the Edinburgh Gazette, either in addition or in substitution, as the case may require.
- (4) The powers and duties conferred and imposed by this Act on district councils shall be exercised and performed in a county by the county council, and in a burgh by the town council, save that, in so far as those powers and duties relate to the provisions contained in Part II of the Third Schedule to this Act, they shall be exercised and performed in a small burgh by the county council of the county in which such burgh is situate, and references in this Act to a district council and a district shall be construed accordingly.
- (5) Any expenses incurred under this Act by a county or a town council shall be defrayed in like manner as expenditure for the purposes of the Public Health (Scotland) Act, 1897.
- (6) The powers conferred by Part II or Part IV of this Act on a court of summary jurisdiction or a justice shall be exercisable only by the sheriff, and any reference in Part VII of this Act to the provisions of Part II with respect to the power of a court of summary jurisdiction shall be construed accordingly.
- (7) Any offence against this Act for which the maximum penalty that may be imposed does not exceed ten pounds may be prosecuted in any court of summary jurisdiction within the meaning of the Summary Jurisdiction (Scotland) Act, 1908, having jurisdiction in the place where the offence was committed.
- (8) An offence against any provision of this Act which is directed to be enforced by a county or town council may be prosecuted by the council of the county or town in which such offence was committed and any such council may appear in any proceedings instituted by them under this Act by their clerk or other officer duly authorised in that behalf.
- (9) It shall not be an objection to the competency of an inspector or of any person prosecuting in pursuance of the power conferred by the last foregoing subsection to give evidence as a witness in any prosecution for an offence against this Act that the prosecution is brought at his instance, or conducted by him.
- (10) Every person convicted of an offence against this Act may be found liable in expenses.
- (11) Subsection (10) of section thirty-four, subsection (3) of section fifty-three and subsection (3) of section fifty-four of this Act shall have effect as if the words “by way of complaint” were omitted.

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- (12) Where, in pursuance of section sixty-eight of this Act, the Secretary of State directs a formal investigation to be held of any fatal accident, no inquiry into any death due to such accident shall, unless the Lord Advocate otherwise directs, be held in pursuance of the Fatal Accidents Inquiry (Scotland) Act, 1895.
- (13) For subsection (8) of section one hundred and twenty-six the following subsection shall be substituted:—
- “(8) If and so long as there is no examining surgeon for a factory, the medical officer of health for the county or burgh in which the factory is situate, or any medical officer of the council of such county or burgh designated for the purpose by the medical officer of health shall act as the examining surgeon for that factory.
- For the purposes of this subsection, ' burgh ' means large burgh, and a small burgh shall be included within the county in which it is situate.”
- (14) In subsection (9) of section one hundred and twenty-six for any reference to the poor law medical officer there shall be substituted a reference to such medical officer of health or medical officer as is referred to in the foregoing subsection.
- (15) Subsection (4) of section one hundred and forty of this Act shall have effect as if for any reference to a coroner's inquest there were substituted a reference to a public inquiry under the Fatal Accidents Inquiry (Scotland) Act, 1895, or the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act, 1906.
- (16) Any provision of this Act with regard to the recovery of any money summarily as a civil debt shall have effect as if the word “summarily ” were omitted therefrom.
- (17) Section sixty-seven, subsection (5) of section one hundred and twenty-eight so far as it relates to legal proceedings, subsection (1) of section one hundred and thirty-seven, section one hundred and forty-one and section one hundred and forty-eight of this Act shall not apply.
- (18) References to section five of the Criminal Justice Administration Act, 1914, shall not apply.
- (19) Section twenty-nine of the Public Health (Scotland) Act, 1897, shall not apply in relation to any factory within the meaning of this Act.
- (20) The powers conferred by this Act on county and town councils and their officers shall, for the purposes of their duties under the Public Health (Scotland) Acts, 1897 and 1907, extend to factories within the meaning of those Acts.
- (21) In this section the expressions “large burgh ” and “small burgh ” have the like meanings as in the Local Government (Scotland) Act, 1929, and the expressions “county council ” and “county ” where occurring in any provision for the purposes of which a small burgh is included within a county or which directs that powers and duties shall be exercised and performed by a county council in a small burgh, shall mean respectively, in any case where two counties are combined under subsection (7) of section ten of the Local Government (Scotland) Act, 1929, the joint county council and the combined county.