

# Factories Act, 1955



---

*Number 10 of 1955.*

---

## **FACTORIES ACT, 1955.**

---

### ARRANGEMENT OF SECTIONS

#### Part I .

#### PRELIMINARY AND GENERAL.

##### Section

1. Short title and commencement.
2. Interpretation generally.
3. Interpretation of "factory".
4. Application of Act to young persons employed in factories in certain occupations.
5. Expenses incurred by Minister.
6. Regulations in relation to prescribed matters.
7. Repeals.
8. Continuation of certain orders, etc.
9. Construction of certain references.

#### Part II .

#### HEALTH (GENERAL PROVISIONS).

1237

10. Cleanliness.
11. Overcrowding.
12. Temperature.
13. Ventilation.
14. Lighting.
15. Drainage of floors.
16. Slippery floors.
17. Sanitary conveniences.
18. Powers of inspector as to sanitary defects remediable by sanitary authority.
19. Powers in case of default of sanitary authority.
20. Power to require medical supervision.

Part III .

SAFETY (GENERAL PROVISIONS).

21. Prime movers.
22. Transmission machinery.
23. Machinery other than prime movers and transmission machinery.
24. Safety devices.
25. Fencing of materials or articles.
26. Provisions as to unfenced machinery.
27. Construction and maintenance of fencing.
28. Construction of machinery.
29. Vessels containing dangerous liquids.
30. Self-acting machines.

1238

31. Cleaning of machinery by women and young persons.
32. Training and supervision of persons working at dangerous machines.
33. Hoists and lifts.
34. Chains, ropes and lifting tackle.
35. Cranes and other lifting machines.
36. Construction and maintenance of floors, passages and stairs.
37. Safe means of access and safe place of employment.
38. Precautions in places where dangerous fumes are liable to be present.
39. Precautions with respect to explosive or inflammable dust gas, vapour or substance.
40. Steam boilers.
41. Steam receivers and steam containers.
42. Air receivers.
43. Exceptions as to steam boilers, steam receivers and containers, and air receivers.
44. Precautions as respects water-sealed gasholders.
45. Means of escape in case of fire.
46. Regulations and bye-laws as to means of escape in case of fire.
47. Safety provisions in case of fire.
48. Instructions as to use of means of escape in case of fire.
49. Power of Minister to require special safety arrangements for the prevention of accidents.
50. Power of the District Court to make orders as to dangerous conditions and practices.
51. Power of the District Court to make orders as to dangerous factory.

1239

Part IV .

WELFARE (GENERAL PROVISIONS).

- 52. Supply of drinking water.
- 53. Washing facilities.
- 54. Accommodation for clothing.
- 55. Facilities for sitting.
- 56. First-aid.
- 57. Welfare regulations.

PART V

HEALTH, SAFETY AND WELFARE (SPECIAL PROVISIONS AND REGULATIONS)

- 58. Removal of dust or fumes.
- 59. Meals in certain dangerous trades.
- 60. Protection of eyes in certain processes.
- 61. Shuttle threading by mouth suction.
- 62. Prohibition of use of white phosphorus in manufacture of matches.
- 63. Humid factories.
- 64. Underground rooms.
- 65. Basement bakehouses.
- 66. Laundries.
- 67. Lifting excessive weights.
- 68. Prohibition of employment of female young persons where certain processes are carried on.

1240

- 69. Prohibition of employment of women and young persons in certain processes connected with lead manufacture.
- 70. Provisions as to employment of women and young persons in processes involving use of lead compounds.
- 71. Power to make special regulations for safety and health.
- 72. Power to take samples.
- 73. Safety Committee and Safety Delegate.

PART VI .

NOTIFICATION AND INVESTIGATION OF ACCIDENTS AND INDUSTRIAL DISEASES.

- 74. Notification of accidents.
- 75. Power to extend to dangerous occurrences provisions as to notice of accidents.
- 76. Notification of industrial diseases.
- 77. Inquest in case of death by accident or industrial disease.
- 78. Power to direct formal investigation of accidents and cases of disease.
- 79. Investigation and report in certain cases.

PART VII .

CERTIFICATES OF FITNESS IN RESPECT OF YOUNG PERSONS.

- 80. Certificates of fitness for employment of young persons.

PART VIII .

SPECIAL APPLICATIONS AND EXTENSIONS.

- 81. Multiple factories.
- 82. Premises where part of building is separate factory.
- 83. Application of Act to electrical stations.

1241

- 84. Institutions.
- 85. Certain premises subject to inspection.
- 86. Docks, wharves, quays and warehouses.
- 87. Ships.
- 88. Building operations.
- 89. Works of engineering construction.
- 90. Employment of women and young persons in places other than factories in processes connected with lead manufacture or involving the use of lead compounds.

PART IX .

HOME WORK.

- 91. Lists of outworkers to be kept in certain trades.
- 92. Employment of person in unwholesome premises.

PART X .

ADMINISTRATION.

- 93. Inspectors.
- 94. Powers of Inspectors.
- 95. Certificate of authorisation to act as inspector.
- 96. Appointment and duties of certifying doctors.
- 97. Fees of certifying doctors.
- 98. Provisions as to sanitary authorities.
- 99. Provisions as to regulations, orders and certificates of the Minister.

PART XI .

OFFENCES, PENALTIES AND LEGAL PROCEEDINGS.

1242

- 100. Offences generally.
- 101. Fines for offences for which no express penalty provided.
- 102. Power of court to order cause of contravention to be remedied.
- 103. Offence in case of death or injury.
- 104. Offence by parent.
- 105. Forgery of certificates, etc.
- 106. Offence by person actually committing offence for which occupier or owner is liable.
- 107. Exemption of occupier or owner in certain cases.
- 108. Proceedings against persons other than occupiers or owners.
- 109. Owner of machine liable in certain cases instead of occupier.
- 110. Prosecution of offences, etc.
- 111. Appeals from orders made on complaint.
- 112. Special provisions as to evidence.
- 113. Service and sending of documents.
- 114. Certificates of birth.
- 115. Power of Circuit Court to modify agreements.
- 116. Power of Circuit Court to apportion expenses.

PART XII .

APPLICATION OF ACT.

- 117. General application of Act.
- 118. Application to factories belonging to the State.

PART XIII .

MISCELLANEOUS.

1243

- 119. Notice of occupation of factory, and use of mechanical power.
- 120. Posting of abstract of Act and notices.
- 121. Posting and giving copies of special regulations.
- 122. General registers.
- 123. Preservation of registers and records.
- 124. Periodical return of persons employed.
- 125. Duties of persons employed.
- 126. Prohibition of deductions from wages.
- 127. Advisory Council.
- 128. Provisions as to quarries and pit banks.

FIRST SCHEDULE

Enactments Repealed

SECOND SCHEDULE

Table of Humidity

THIRD SCHEDULE

Procedure for making Special Regulations

---

Acts Referred to	
<u>Health Act, 1947</u>	No. 28 of 1947
<u>Health Act, 1953</u>	No. 26 of 1953
<u>Interpretation Act, 1937</u>	No. 38 of 1937
<u>Workmen's Compensation Act, 1934</u>	No. 9 of 1934

---

1244



Number 10 of 1955.

---

**FACTORIES ACT, 1955.**

---

AN ACT TO CONSOLIDATE, WITH AMENDMENTS, THE FACTORY AND WORKSHOP ACTS, 1901 TO 1920, AND OTHER ENACTMENTS RELATING TO FACTORIES AND FOR PURPOSES CONNECTED WITH THE PURPOSES AFORESAID. [9th June, 1955.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

PART I.

Preliminary and General.

Short title and commencement.

1.—(1) This Act may be cited as the Factories Act, 1955.

(2) This Act shall come into operation on such day as the Minister appoints by order.

(3) Notwithstanding subsection (2) of this section, if it is shown to the satisfaction of the Minister, as respects any particular requirement contained in Part III of this Act, that by reason of substantial expenditure involved through the necessity of providing new, or altering existing, buildings or plant, or on account of other special difficulties, it would be right in the case either of factories generally or of any class or description of factory that the requirement should not come into operation on the day appointed under subsection (2) of this section, he may by order postpone the date of coming into operation of the said requirement, as respects factories generally or that class or description of factory, until such date as he may think fit but not later than the two years after the day appointed under subsection (2) of this section, and any such order may direct that such corresponding provisions of any enactment repealed by this Act as may be specified in the order shall apply in lieu of the postponed requirement of this Act.

(4) Notwithstanding subsection (2) of this section section 127 of this Act shall come into operation on the passing of this Act.

Interpretation generally. 2.—(1) In this Act, unless the context otherwise requires—

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

“*bodily injury*” includes injury to health;

“*building operation*” means the construction, structural alteration, repair or maintenance of a building (including re-pointing, re-decoration and external cleaning of the structure), the demolition of a building and the preparation for, and laying the foundation of, an intended building, but does not include any operation which is a work of engineering construction within the meaning of this Act;

1245

“*certifying doctor*” means a registered medical practitioner appointed under section 96 of this Act to be a certifying doctor for any of the purposes of this Act;

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

“*contravention*” includes, in relation to any provision, a refusal or failure to comply with that provision, and “*contravene*” shall be construed accordingly;

“*degrees*” means degrees Fahrenheit;

“*driving belt*” includes any driving strap or rope;

“*fume*” includes gas or vapour;

“*general register*” means the register kept in accordance with the requirements of section 122 of this Act;

“*harbour*” has the same meaning as in the Merchant Shipping Act, 1894;

“*humid factory*” means a factory in which atmospheric humidity is artificially produced by steaming or other means;

“*inspector*” means an officer of the Minister authorised under section 93 of this Act to act as an inspector for the purposes of this Act;

“*machinery*” includes any driving belt;

“*maintained*” means maintained in an efficient state, in efficient working order, and in good repair;

“*medical officer of health*” has the same meaning as in the Health Act, 1947 (No. 28 of 1947), but also includes a district medical officer under section 52 of the Health Act, 1953 (No. 26 of 1953);

“*the Minister*” means the Minister for Industry and Commerce;

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

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

1246

“*parent*” means a parent or guardian of, or person having the legal custody of, or the control over, a young person, and also includes, in relation to any young person, any *person having direct benefit from his wages*;

“*prescribed*” means prescribed by regulations made by the Minister under this Act;

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

“*process*” includes the use of any locomotive;

“*railway*” means any railway used for the purposes of public traffic whether passenger, goods or other traffic and includes any works of the body corporate managing and controlling the railway which are connected with the railway;

“*sanitary authority*” means a sanitary authority within the meaning of the Local Government (Sanitary Services) Acts, 1878 to 1952;

“*sanitary conveniences*” includes urinals, waterclosets, earth-closets, privies, ashpits, and any similar convenience;

“*ship*” has the same meaning as in the Merchant Shipping Act, 1894;

“*tramway*” means a tramway authorised by or under statute and used for the purpose of public traffic;

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

“*vessel*” has the same meaning as in the Merchant Shipping Act, 1894;

“*welfare regulations*” means special regulations made under section 57 of this Act;

“*woman*” means a woman whose age is not less than eighteen years;

“*work of engineering construction*” means the construction of any railway line or siding otherwise than upon an existing railway, and the construction, structural alteration or repair (including re-pointing and re-painting) or the demolition of any dock, harbour, inland navigation, tunnel, bridge, viaduct, waterworks, reservoir, pipe-line, aqueduct, sewer, sewage works or gasholder, except where carried on upon a railway or tramway, and shall include such other works as may be prescribed;

“*young person*” means a person whose age is less than eighteen and more than fourteen years.

(2) For the purposes of this Act, machinery or plant shall be deemed to have been constructed or reconstructed before the passing of this Act or the making of regulations under this Act, and a factory or building shall be deemed to have been constructed,

1247

reconstructed, extended, added to or converted for use as a factory, before the passing or commencement of this Act, if the construction, reconstruction, extension, addition or conversion was begun before the passing or commencement of this Act, or the making of regulations under this Act, as the case may be.

(3) For the purposes of this Act, a factory shall not be deemed to be a factory in which mechanical power is used by reason only that mechanical power is used for the purpose of heating, ventilating or lighting the workrooms or other parts of the factory.

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

(5) Any reference in this Act to the District Court shall be construed as a reference to the Justice of the District Court having jurisdiction in the District Court area where the factory in question is situated.

(6) References in this Act to any enactment shall be construed as references to that enactment as amended by any subsequent enactment including this Act.

Interpretation of  
"factory."

3.—(1) Subject to the provisions of this section, in this Act "*factory*" means any premises in which, or within the close or curtilage or precincts of which, persons are employed in manual labour in any process for or incidental to any of the following purposes:

- (a) the making of any article or of part of any article,
- (b) the altering, repairing, ornamenting, finishing, cleaning or washing, or the breaking up or demolition, of any article,
- (c) the adapting for sale of any article,

being premises in which, or within the close or curtilage or precincts of which, the work is carried on by way of trade or for purposes of gain and to or over which the employer of the persons employed therein has the right of access or control;

And (whether or not they are factories by reason of the foregoing definition) in this Act "*factory*" also includes the following premises in which persons are employed in manual labour:

- (i) any yard or dry dock (including the precincts thereof) in which ships or vessels are constructed, reconstructed, repaired, refitted, finished or broken up,
- (ii) any premises in which the business of sorting any articles is carried on as a separate business, as a preliminary to the work carried on in any factory or incidentally to the purposes of any factory,
- (iii) any premises in which the business of washing or filling bottles or containers or packing articles is carried on as a separate business or incidentally to the purposes of any factory,

1248

- (iv) any premises in which the business of hooking, plaiting, lapping, making -up or packing of yarn or cloth is carried on,
- (v) any laundry carried on as ancillary to another business, or incidentally to the purposes of any public institution,
- (vi) any premises in which the construction, reconstruction or repair of locomotives, vehicles or other plant for use for transport purposes is carried on as ancillary to a transport undertaking, or other industrial or commercial undertaking, not being any premises used for the purpose of housing locomotives or vehicles where only cleaning, washing, running repairs or minor adjustments are carried out and in which persons are not employed on a full-time basis in such cleaning, washing, repairing and adjusting,
- (vii) any premises in which printing by letterpress, lithography, photogravure, or other similar process, or bookbinding is carried on by way of trade or for purposes of gain or incidentally to another business so carried on,
- (viii) any premises in which the making, adaptation or repair of dresses, scenery or properties is carried on incidentally to the production, exhibition or presentation by way of trade or for purposes of gain of cinematograph films or theatrical performances, not being a stage or dressing room of a theatre in which only occasional adaptations or repairs are made,
- (ix) any premises in which the business of making or mending nets is carried on incidentally to the fishing industry,
- (x) any premises in which mechanical power is used in connection with the making or repair of articles of metal or wood incidentally to any business carried on by way of trade or for purposes of gain,
- (xi) any premises in which the production of cinematograph films is carried on by way of trade or for purposes of gain, so, however, that the employment at any such premises of theatrical performers and of attendants on theatrical performers shall not be deemed to be employment in a factory,
- (xii) any premises in which articles are made or prepared incidentally to the carrying on of building operations or works of engineering construction, not being premises in which such operations or works are being carried on,
- (xiii) any premises used for the storage of gas in a gasholder having a storage capacity of not less than five thousand cubic feet,
- (xiv) any premises in which the business of flax scutching is carried on,
- (xv) any premises in which the business of plucking fowl is carried on,

1249

(xvi) any premises in which the business of testing, grading or packing eggs is carried on,

(xvii) any premises in which pigs are killed for the purposes of a bacon factory,

(xviii) any premises in which cattle or sheep are killed for packing.

(2) Any line or siding (not being part of a railway or tramway) which is used in connection with and for the purposes of a factory shall be deemed for the purposes of this Act to be part of the factory, but if any such line or siding is used in connection with more than one factory belonging to different occupiers, the line or siding shall be deemed to be a separate factory.

(3) A part of a factory may, with the approval in writing of the Minister, be taken to be a separate factory and two or more factories may, with the like approval, be taken to be a single factory.

(4) Any workplace in which, with the permission of or under agreement with the owner or occupier, two or more persons carry on any work which would constitute the workplace a factory if the persons working therein were in the employment of the owner or occupier, shall be deemed for the purposes of this Act to be a factory and, in the case of any such workplace not being a multiple factory or part of a multiple factory, this Act shall apply as if the owner or occupier of the workplace were the occupier of the factory and the persons working therein were persons employed in the factory.

(5) Premises in or adjacent to and belonging to a quarry or mine being premises in which the only process carried on is a process ancillary to the getting, dressing or preparation for sale of minerals shall be deemed for the purposes of this Act not to be a factory.

(6) Where a place situate within the close, curtilage or precincts forming a factory is solely used for some purpose other than the processes carried on in the factory, that place shall be deemed for the purposes of this Act not to form part of the factory, but shall, if otherwise it would be a factory, be deemed to be a separate factory.

(7) Premises shall not be excluded from the definition for the purposes of this Act of a factory by reason only that they are open-air premises.

(8) Where the Minister by regulations so directs as respects all or any purposes of this Act, different branches or departments of work carried on in the same factory shall be deemed to be separate factories.

(9) Premises belonging to or in the occupation of the State or any local or other public authority shall not be regarded as not being a factory for the purposes of this Act, and building operations or works of engineering construction undertaken by or on behalf of the State or any such authority shall not be excluded from the operation of this Act, by reason only that the work carried on thereat is not carried on by way of trade or for purposes of gain.

Application of Act to young persons

4.—A young person who works in a factory, whether for wages or not, in collecting, carrying or delivering goods, carrying messages or running errands shall be deemed to

1250

- employed in factories in certain occupations. be employed in the factory for the purposes of this Act or of any proceedings thereunder.
- Expenses incurred by Minister. 5.—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.
- Regulations in relation to prescribed matters. 6.—The Minister may make regulations in relation to any matter referred to in this Act as prescribed or to be prescribed.
- Repeals. 7.—The Acts mentioned in the First Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- Continuation of certain orders, etc. 8.—Any order, regulation, bye-law, requirement, appointment (other than an appointment under section 118 of the Factory and Workshop Act, 1901) or agreement made or certificate (other than a certificate under section 14 of the Factory and Workshop Act, 1901) or notice given under any enactment repealed by this Act which was in force immediately before the commencement of this Act shall continue in force and shall have effect as though it had been made or given under this Act and, in so far as it could have been made or given under a particular provision of this Act, shall be deemed to have been made or given under that provision, and any such order or regulation made under a power which is exercisable under a corresponding provision of this Act by a different class of instrument, shall be deemed to be an instrument of that class, so, however, that any such order or regulation which continues in force by virtue of this section may, in so far as it is necessary to bring it into conformity with this Act, be varied or revoked by an order or regulations made by the Minister under this Act.
- Construction of certain references. 9.—(1) References in any enactment to a special order made under section 126 of the Factory and Workshop Act, 1901, shall be construed as references to regulations made under this Act.
- (2) References in any enactment to a factory or workshop within the meaning of the Factory and Workshop Acts, 1901 to 1920, or any of those Acts, shall be construed as references to a factory within the meaning of this Act.
- (3) The mention of particular matters in subsections (1) and (2) of this section shall not prejudice or affect the general application of sections 20 and 21 of the Interpretation Act, 1937 (No. 38 of 1937).

## PART II.

## Health (General Provisions).

- Cleanliness. 10.—(1) Every factory shall be kept in a clean state and free from effluvia arising from any drain, sanitary convenience or nuisance and, without prejudice to the foregoing provision—
- (a) accumulations of dirt, refuse, trade refuse and waste shall be removed daily by a suitable method from the floors and benches of workrooms, and from the staircases and passages,

1251

- (b) the floor of every workroom shall be cleaned at least once in every week by washing, or if it is effective and suitable, by sweeping or other method,
- (c) all inside walls and partitions, and all ceilings or tops of rooms, and all walls, sides and tops of passages and staircases shall—
- (i) where they have a smooth impervious surface, at least once in every period of fourteen months be washed with hot water and soap or other suitable detergent or cleaned by such other method as may be approved of by an inspector,
  - (ii) where they are kept painted with oil paint or varnished, be repainted or revarnished at least once in every period of seven years, and at least once in every period of fourteen months be washed with hot water and soap or other suitable detergent or cleaned by such other method as may be approved of by an inspector,
  - (iii) in other cases be kept whitewashed or colour-washed, and the whitewashing or colour-washing shall be repeated at least once in every period of fourteen months.

(2) In fulfilling, on an occasion when work is in progress, the requirements of paragraph (a) or paragraph (b) of subsection (1) of this section, the methods used shall, so far as is reasonably practicable, be such as not to give rise to dust.

(3) Except where the Minister in any particular case otherwise requires, the provisions of paragraph (c) of subsection (1) of this section shall not apply to any factory where mechanical power is not used and less than ten persons are employed.

(4) Where it appears to the Minister that in any class or description of factory or parts thereof any of the provisions of subsection (1) of this section are not required for the purpose of keeping the factory in a clean state, or are by reason of special circumstances inappropriate or inadequate for such purpose, he may, if he thinks fit, by order, made after consultation with the Minister for Health, direct that those provisions shall not apply to factories, or parts of factories, of that class or description or shall apply as varied by the order.

Overcrowding.

11.—(1) A factory shall not, while work is carried on, be so overcrowded as to cause risk of injury to the health of the persons employed therein.

(2) Without prejudice to the generality of subsection (1) of this section, a factory shall be deemed to be so overcrowded as to cause risk of injury to the health of persons employed therein if the number of persons employed at a time in any workroom is such that the amount of cubic space allowed for every person employed in the room is less than four hundred cubic feet.

(3) If the Minister is satisfied that, owing to the special conditions under which the work is carried on in any workroom in which explosive materials are manufactured or handled, the application of subsection (2) of this section to the workroom would be inappropriate or unnecessary, he may by certificate except the workroom from that subsection subject to any conditions specified in the certificate.

1252



(4) As respects any room used as a workroom at the date of the commencement of this Act, subsection (2) of this section shall for the period of three years after that date and, if before the expiration of that period effective and suitable mechanical ventilation has been provided in the room, for a further period of five years, have effect as if for the reference therein to four hundred cubic feet there were substituted a reference to two hundred and fifty cubic feet.

(5) Subsection (4) of this section shall cease to apply to a room—

(a) if the room passes into the occupation of any person other than the person who was the occupier thereof at the passing of this Act or his successor in the same business,

(b) if, during the first of the periods referred to in the subsection, the Minister requires the provision of effective and suitable mechanical ventilation in the room and default is made in complying with the requirement,

(c) if, during the second of the said periods, the effective and suitable mechanical ventilation provided in the room ceases to be maintained, or

(d) in a case where effective and suitable mechanical ventilation has been provided in pursuance of a requirement of the Minister, if, during either of the said periods, such ventilation ceases to be maintained.

(6) The Minister may, after consultation with the Minister for Health, make regulations, as respects any class or description of factory or parts thereof or any process, increasing the number of cubic feet which must under this section be allowed for every person employed in a workroom.

(7) In calculating, for the purposes of this section, the amount of cubic space in any room, no space more than fourteen feet from the floor shall be taken into account and, where a room contains a gallery, the gallery shall be treated for the purposes of this section as if it were partitioned off from the remainder of the room and formed a separate room.

(8) There shall be kept posted in each workroom a notice specifying the number of persons who, having regard to this section, may be employed in the workroom.

Temperature.

12.—(1) Effective provision shall be made for securing and maintaining a reasonable temperature in each workroom, but no method shall be employed which results in the escape into the air of any workroom of any fume of such character and to such extent as to be likely to be injurious or offensive to persons employed therein.

(2) In every workroom in which a substantial proportion of the work is done sitting and does not involve serious physical effort, a temperature of less than sixty degrees shall not be regarded, after the first hour, as being a reasonable temperature while work is going on, and at least one thermometer shall be provided and maintained in a suitable position in every such workroom.

(3) The Minister, after consultation with the Minister for Health, may, by regulations, for factories or for any class or description of factory or parts thereof, prescribe a standard of reasonable temperature (which may vary the standard prescribed by

1253

subsection (2) of this section for sedentary work) and prohibit the use of any methods of maintaining a reasonable temperature which, in his opinion, are likely to be injurious to the persons employed, and direct that thermometers shall be provided and maintained in such places and positions as may be specified.

## Ventilation.

**13.—**(1) Effective and suitable provision shall be made for securing and maintaining by the circulation of fresh air in each workroom the adequate ventilation of the room, and for rendering harmless, so far as practicable, all fumes, dust and other impurities that may be injurious to health generated in the course of any process or work carried on in the factory.

(2) The Minister, after consultation with the Minister for Health, may, by regulations, prescribe a standard of adequate ventilation for factories or for any class or description of factory or parts thereof.

## Lighting.

**14.—**(1) Effective provision shall be made for securing and maintaining sufficient and suitable lighting, whether natural or artificial, in every part of a factory in which persons are working or passing.

(2) The Minister, after consultation with the Minister for Health, may, by regulations, prescribe a standard of sufficient and suitable lighting for factories or for any class or description of factory or parts thereof, or for any process.

(3) All glazed windows and skylights used for the lighting of workrooms shall, so far as practicable, be kept clean on both the inner and outer surfaces and free from obstruction.

(4) Subsection (3) of this section shall not affect the whitewashing or shading of windows and skylights for the purposes of mitigating heat or glare.

## Drainage of floors.

**15.—**Where any process is carried on which renders the floor liable to be wet to such extent that the wet is capable of being removed by drainage, effective means shall be provided and maintained for draining off the wet.

## Slippery floors.

**16.—**Where any process is carried on which renders the floor liable to cause persons employed to slip, effective means shall be provided and maintained for protecting the persons employed from slipping.

## Sanitary conveniences.

**17.—**(1) Sufficient and suitable sanitary conveniences for the persons employed in a factory shall be provided, maintained and kept clean and—

(a) where a piped water supply is in the factory, all sanitary conveniences shall be individually flushed water closets, except urinals which shall have suitable flushing arrangements,

(b) sanitary conveniences shall not communicate with any workroom except through the open air or through an intervening ventilated space,

(c) effective provision shall be made for lighting the sanitary conveniences, and

(d) where persons of both sexes are or are intended to be employed (except in the case of factories where the only persons employed are members of the same

1254

family dwelling there), the sanitary conveniences shall afford separate accommodation for persons of each sex.

(2) The Minister may, after consultation with the Minister for Health, make regulations determining for factories or for any class or description of factory what is sufficient and suitable provision for the purposes of this section.

(3) This section shall be enforced by the sanitary authority.

Powers of inspector as to sanitary defects remediable by sanitary authority.

**18.**—(1) Where an inspector finds any act or default, in relation to any drain, sanitary convenience, water supply, nuisance, or other matter in a factory which is liable to be dealt with by the sanitary authority under this Part of this Act or under the law relating to public health, he shall give notice thereof in writing to the sanitary authority, and it shall be the duty of the sanitary authority to make such inquiry into the subject of the notice, and take such action thereon, as seems to them proper for the purpose of enforcing the law, and to inform the inspector of the proceedings taken in consequence of the notice.

(2) Where an inspector finds any such act or default as is referred to in subsection (1) of this section, he may take with him into the factory a medical officer of health, a health inspector or an officer of the sanitary authority.

(3) If, within one month after notice of an act or default is given by an inspector under this section to a sanitary authority, proceedings are not taken for punishing or remedying the act or default, the Minister may take the like proceedings for the punishment or remedying thereof as the sanitary authority might have taken, and shall be entitled to recover from the sanitary authority as a simple contract debt in any court of competent jurisdiction all such expenses incurred by him in and about the proceedings as are not recovered from any other person and have not been incurred in or about any unsuccessful legal proceedings.

Powers in case of default of sanitary authority.

**19.**—(1) If the Minister is satisfied that any sanitary authority have failed to enforce any of the provisions of section 17 of this Act, he may, by authorisation in writing and after notifying the sanitary authority, authorise an inspector to take, during such period as may be mentioned in the authorisation, such steps as appear necessary or proper for enforcing those provisions.

(2) Where an inspector is authorised under this section—

(a) he shall, for the purpose of his duties under the authorisation, have the same powers in enforcing the provisions specified in the authorisation as he has in enforcing the provisions of this Act generally,

(b) he may, for the purpose of his duties under the authorisation, take the like proceedings for enforcing the provisions so specified, or for punishing or remedying any act or default, as might be taken by the sanitary authority,

(c) he shall be entitled to recover from the sanitary authority as a simple contract debt in any court of competent jurisdiction all such expenses incurred by him in and about any such proceedings as are not recovered from any other person and have not been incurred in or about any unsuccessful legal proceedings.

1255

Power to require  
medical supervision.

**20.—**(1) Where it appears to the Minister that in any factory or class or description of factory—

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

(b) there may be risk of injury to the health of persons employed—

(i) from any substance or material brought in for use or handling, or

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

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

(d) persons are or are about to be employed in work which may cause risk of injury to their health,

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

(2) Where the Minister proposes to exercise his powers under this section in relation to a particular factory and for a limited period, he may exercise those powers by order instead of by special regulations.

(3) An order under subsection (2) of this section shall cease to have effect at the expiration of such period not exceeding six months from the date when it comes into operation as may be specified in the order, but—

(a) the Minister may by a subsequent order or orders extend the said period,

(b) if the occupier of the factory by notice in writing to the Minister objects to any such extension, the original order shall cease to have effect as from one month after the service of the notice, without prejudice to the making of special regulations in relation to the factory.

### PART III.

#### Safety (General Provisions).

Prime movers.

**21.—**(1) Every flywheel directly connected to any prime mover and every moving part of any prime mover, except such prime movers as are mentioned in subsection (3) of this section, shall be securely fenced, whether the flywheel or prime mover is situated in an engine-house or not.

1256

(2) The head and tail race of every water wheel and of every water turbine shall be securely fenced.

(3) Every part of electric generators, motors and rotary converters, and every flywheel directly connected thereto, shall be securely fenced unless it is in such a position or of such construction as to be as safe to every person employed or working on the premises as it would be if securely fenced.

Transmission machinery.

**22.—**(1) Every part of the transmission machinery shall be securely fenced unless it is in such a position or of such construction as to be as safe to every person employed or working on the premises as it would be if securely fenced.

(2) Efficient devices or appliances shall be provided and maintained in every room or place where work is carried on by which the power can promptly be cut off from the transmission machinery in that room or place.

(3) No driving-belt when not in use shall be allowed to rest or ride upon a revolving shaft which forms part of the transmission machinery.

(4) Suitable striking gear or other efficient mechanical appliances shall be provided and maintained and used to move driving belts to and from fast and loose pulleys which form part of the transmission machinery, and any such gear or appliances shall be so constructed, placed and maintained as to prevent the driving belt from creeping back on to the fast pulley.

(5) Where the Minister is satisfied that owing to special circumstances the fulfilment of any of the requirements of subsections (2), (3) and (4) of this section is unnecessary or impracticable, he may by order direct that that requirement shall not apply in those circumstances.

Machinery other than prime movers and transmission machinery.

**23.—**(1) Every dangerous part of any machinery, other than prime movers and transmission machinery, shall be securely fenced unless it is in such a position or of such construction as to be as safe to every person employed or working on 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 be secured by means of a fixed guard, the requirements of subsection (1) of this section shall be deemed to have been complied with if a device is provided which automatically prevents the operator from coming into contact with that part.

(3) Any part of a stock-bar which projects beyond the head-stock of a lathe shall be securely fenced unless it is in such a position as to be as safe to every person employed or working on the premises as it would be if securely fenced.

Safety devices.

**24.—**(1) Where the Minister is satisfied that there is available and suitable for use in connection with machinery of any class any type or description of safety device which—

(a) gives warning of the starting of a machine,

1257

(b) prevents the exposure of a dangerous part of machinery whilst in motion, or

(c) stops a machine forthwith in case of danger,

he may make regulations directing that the type or description of device shall be provided for use in connection with such class of machinery as may be specified in the regulations.

(2) In any proceedings in respect of a contravention of regulations under this section, it shall be a sufficient defence to prove that a safety device at least as effective as that required by the regulations was being used in connection with the machinery in respect of which the contravention occurred.

Fencing of materials or articles.

**25.**—The Minister may, as respects any machine or any process in which a machine is used, make regulations requiring the fencing of materials or articles which are dangerous while in motion in the machine.

Provisions as to unfenced machinery.

**26.**—(1) In determining, for the purposes of section 21, 22 or 23 of this Act, whether any part of machinery is in such a position or of such construction as to be as safe to every person employed or working on the premises as it would be if securely fenced—

(a) no account shall be taken of any person carrying out, while the part of machinery is in motion, an examination thereof or any lubrication or adjustment shown by such examination to be immediately necessary, being an examination, lubrication or adjustment which it is necessary to carry out while the part of machinery is in motion,

(b) in the case of any part of transmission machinery used in any such process as may be specified in regulations made by the Minister, being a process where owing to the continuous nature thereof the stopping of that part would seriously interfere with the carrying on of the process, no account shall be taken of any person carrying out, by such methods and in such circumstances as may be specified in the regulations, any lubrication or any mounting or shipping of belts.

(2) Subsection (1) of this section shall only apply where the examination, lubrication or other operation is carried out by such persons, being male persons who have attained the age of eighteen years, as may be specified in regulations made by the Minister, and all such other conditions as may be so specified are complied with.

Construction and maintenance of fencing.

**27.**—All fencing or other safeguards provided in pursuance of section 21, 22 or 23 or regulations under section 24 or 25 of this Act shall be of substantial construction, and constantly maintained and kept in position while the parts required to be fenced or safeguarded are in motion or in use, except when any such parts are necessarily exposed for examination and for any lubrication or adjustment shown by such examination to be immediately necessary, and all such conditions as may be specified in regulations made by the Minister are complied with.

Construction of machinery.

**28.**—In the case of any machine in a factory being a machine intended to be driven by mechanical power—

(a) every set-screw, bolt or key on any revolving shaft, spindle, wheel or pinion shall be so sunk, encased or otherwise effectively guarded as to prevent danger,

(b) all spur and other toothed or friction gearing, which does not require frequent adjustment while in motion, shall be completely encased unless it is so situated as to be as safe as it would be if completely encased.

Vessels containing dangerous liquids.

**29.—**(1) Every fixed vessel, structure, sump or pit of which the edge is less than three feet above the adjoining ground or platform shall, if it contains any scalding, corrosive or poisonous liquid, either be securely covered or be securely fenced to at least that height, or where by reason of the nature of the work neither secure covering nor secure fencing to that height is practicable, all practicable steps shall be taken by covering, fencing or other means to prevent any person from falling into the vessel, structure, sump or pit.

(2) The Minister may by order exempt from the requirements of this section any class of vessel, structure, sump or pit in the case of which he is satisfied that the requirements are unnecessary or inappropriate.

Self-acting machines.

**30.—**(1) Any traversing part of any self-acting machine and any material carried thereon shall not, if the space over which it runs is a space over which any person is liable to pass, whether in the course of his employment or otherwise, be allowed on its outward or inward traverse to run within a distance of eighteen inches from any fixed structure not being part of the machine.

(2) Nothing in subsection (1) of this section shall prevent any portion of the traversing carriage of any self-acting spinning mule being allowed to run to a point twelve inches distant from any part of the head stock of another such machine.

(3) All practicable steps shall be taken by instructions to the person in charge of the machine and otherwise to ensure that no person employed shall be in the space between any traversing part of a self-acting spinning mule and any fixed part of the machine towards which the traversing part moves on the inward run, except when the machine is stopped with the traversing part on the outward run.

Cleaning of machinery by women and young persons.

**31.—**A woman or young person shall not clean any part of a prime mover or of any transmission machinery while the prime mover or transmission machinery is in motion, and shall not clean any part of any machine if the cleaning thereof would expose the woman or young person to risk of injury from any moving part either of that machine or of any adjacent machinery.

Training and supervision of persons working at dangerous machines.

**32.—**(1) A person shall not work at any machine to which this subsection applies unless he has been fully instructed as to the dangers arising in connection therewith 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.

1259

(2) Subsection (1) of this section applies to such machines as may be specified in regulations made by the Minister, being machines which in his opinion are of such a dangerous character that persons ought not to work at them unless the requirements of subsection (1) of this section are complied with.

(3) In this section—

“*machine*” includes any steam boiler, steam receiver or air receiver;

any reference to working at a machine shall—

(a) in the case of a steam boiler, be construed as including a reference to working in connection with the generation of steam from that boiler,

(b) in the case of a steam receiver, be construed as including a reference to working in connection with the use of steam in that receiver, and

(c) in the case of an air receiver, be construed as including a reference to working in connection with the use of compressed air in that receiver.

Hoists and lifts.

33.—(1) Every hoist or lift shall be of good mechanical construction, sound material and adequate strength, and be properly maintained.

(2) Every hoist or lift shall be thoroughly examined by a competent person at least once in every period of six months, and a report of the result of every such examination in the prescribed form and containing the prescribed particulars shall be signed by the person making the examination and shall within fourteen days be entered in or attached to the general register.

(3) Every hoistway or liftway shall be efficiently protected by a substantial enclosure fitted with gates, being such an enclosure as to prevent, when the gates are shut, any person falling down the way or coming into contact with any moving part of the hoist or lift.

(4) Any such gate as is referred to in subsection (3) of this section shall be fitted with efficient interlocking or other devices to secure that the gate cannot be opened except when the cage or platform is at the landing and that the cage or platform cannot be moved away from the landing until the gate is closed, but, in the case of a hoist or lift constructed or reconstructed before the passing of this Act which it is not reasonably practicable to fit with such devices as aforesaid, it shall be sufficient if the gate is provided with such arrangements as will secure the aforesaid objects so far as is reasonably practicable, and in any event is kept closed and fastened except when the cage or platform is at rest at the landing.

(5) Every hoist or lift and every such enclosure as is referred to in subsection (3) of this section shall be so constructed as to prevent any part of any person or any goods carried in the hoist or lift being trapped between any part of the hoist or lift and any fixed structure or between the counterbalance weight and any other moving part of the hoist or lift.

1260



(6) There shall be marked conspicuously on every hoist or lift the maximum working load which it can safely carry and no load greater than that load shall be carried on any hoist or lift.

(7) The following additional requirements shall apply to hoists and lifts used for carrying persons, whether together with goods or otherwise:—

- (a) efficient automatic devices shall be provided and maintained to prevent the cage or platform overrunning,
- (b) every cage shall on each side from which access is afforded to a landing, be fitted with a gate, and in connection with every such gate efficient devices shall be provided to secure that, when persons or goods are in the cage, the cage cannot be raised or lowered unless the gate is closed, and will come to rest when the gate is opened, but, in the case of a hoist or lift constructed or reconstructed before the passing of this Act in connection with which it is not reasonably practicable to provide such devices as aforesaid, it shall be sufficient if such arrangements are provided as will secure the aforesaid objects so far as is reasonably practicable, and in any event the gate is kept closed and fastened except when the cage is at rest or empty,
- (c) in the case of a hoist or lift constructed or reconstructed after the passing of this Act, where the platform or cage is suspended by rope or chain, there shall be at least two ropes or chains separately connected with the platform or cage, each rope or chain and its attachments being capable of carrying the whole weight of the platform or cage and its maximum working load, and efficient devices shall be provided and maintained which will support the platform or cage with its maximum working load in the event of a breakage of the ropes or chains or any of their attachments.

(8) In the case of a continuous hoist or lift, subsections (3) to (7) of this section shall not apply and in the case of a hoist or lift not connected with mechanical power subsections (4) and (7) of this section shall not apply, and in both the aforesaid cases, in subsection (2) of this section for the reference to six months there shall be substituted a reference to twelve months.

(9) Where a hoistway or liftway is required by subsection (3) of this section to be protected by an enclosure fitted with gates but, because the hoist or lift is not connected with mechanical power, subsection (4) of this section does not apply, any such gate shall be kept closed and fastened except when the cage or platform is at rest at the landing.

(10) In the case of a hoist or lift which does not comply with the requirements specified in subsection (7) of this section (not being a continuous hoist or lift or a hoist or lift not connected with mechanical power), there shall be marked conspicuously on the hoist or lift a notification that it is not to be used for carrying persons.

(11) For the purposes of this section, a lifting machine or appliance shall be deemed not to be a hoist or lift unless it has a platform or cage the direction of movement of which is restricted by a guide or guides.

(12) Every teagle opening or similar doorway used for hoisting or lowering goods or materials, whether by mechanical power or otherwise, shall be securely fenced, and shall be provided with a secure hand-hold on each side of the opening or doorway. The

1261

fencing shall be properly maintained and shall, except when the hoisting or lowering of goods or materials is being carried on at the opening or doorway, be kept in position.

(13) If it is shown to the satisfaction of the Minister that it would be unreasonable in the special circumstances of the case to enforce any requirement of this section in respect of any class or description of hoist, lift, hoistway, liftway, or teagle opening or similar doorway, he may by order direct that such requirement shall not apply as respects that class or description.

Chains, ropes and lifting tackle.

34.—(1) The following provisions shall be complied with as respects every chain, rope or lifting tackle used for the purpose of raising or lowering persons, goods or materials:

- (a) a chain, rope or lifting tackle shall not be used unless it is of good construction, sound material, adequate strength and free from patent defect;
- (b) a table showing the safe working loads of every kind and size of chain, rope or lifting tackle in use, and, in the case of a multiple sling, the safe working load at different angles of the legs, shall be kept posted in the store in which the chains, ropes or lifting tackle are kept, and in prominent positions on the premises, and any chain, rope or lifting tackle not shown in the table shall not be used, so, however, that the foregoing provisions of this paragraph shall not apply in relation to any lifting tackle if the safe working load thereof or, in the case of a multiple sling, the safe working load at different angles of the legs is plainly marked upon it;
- (c) a chain, rope or lifting tackle shall not be used for any load exceeding the safe working load thereof as shown by the table aforesaid or marked upon it as aforesaid;
- (d) all chains, ropes and lifting tackle in use shall be thoroughly examined by a competent person at least once in every period of six months or at such greater intervals as the Minister may prescribe;
- (e) a chain, rope or lifting tackle, except a fibre rope or fibre rope sling, shall not be taken into use in any factory for the first time in that factory unless it has been tested and thoroughly examined by a competent person and a certificate of such a test and examination specifying the safe working load and signed by the person making the test and examination has been obtained and is kept available for inspection;
- (f) every chain and lifting tackle except a rope sling shall, unless of a class or description exempted by certificate of the Minister upon the ground that it is made of such material or so constructed that it cannot be subjected to heat treatment without risk of damage or that it has been subjected to some form of heat treatment (other than annealing) approved by him, be annealed at least once in every fourteen months, or, in the case of chains or slings of half-inch bar or smaller, or chains used in connection with molten metal or molten slag, in every six months, so, however, that chains and lifting tackle not in regular use need be annealed only when necessary;
- (g) a register containing the prescribed particulars shall be kept with respect to all such chains, ropes or lifting tackle, except fibre rope slings.

1262

(2) If the Minister is not satisfied as to the competency of the person employed to make any examination under this section or as to the thoroughness of the examination, he may require a re-examination by a person nominated by him, and the occupier shall give the necessary facilities for such re-examination.

(3) In this section "*lifting tackle*" means chain slings, rope slings, rings, hooks, shackles and swivels.

Cranes and other lifting machines.

**35.—**(1) All parts and working gear whether fixed or movable, including the anchoring and fixing appliances, of every lifting machine shall be of good construction, sound material, adequate strength and free from patent defect, and shall be properly maintained.

(2) All such parts and gear as are specified in subsection (1) of this section shall be thoroughly examined by a competent person at least once in every period of fourteen months and a register shall be kept containing the prescribed particulars of every such examination.

(3) All rails on which a travelling crane moves and every track on which the carriage of a transporter or runway moves shall be of proper size and adequate strength and have an even running surface, and any such rails or track shall be properly laid, adequately supported or suspended, and properly maintained.

(4) There shall be plainly marked on every lifting machine the safe working load or loads thereof, except that in the case of a jib crane so constructed that the safe working load may be varied by the raising or lowering of the jib, there shall be attached thereto either an automatic indicator of safe working loads or a table indicating the safe working loads at corresponding inclinations of the jib or corresponding radii of the load.

(5) A lifting machine shall not, except for the purpose of a test, be loaded beyond the safe working load as marked or indicated under subsection (4) of this section.

(6) A lifting machine shall not be taken into use in any factory for the first time in that factory unless it has been tested and all such parts and working gear of the machine as are specified in subsection (1) of this section have been thoroughly examined by a competent person and a certificate of such a test and examination specifying the safe working load or loads of the machine and signed by the person making the test and examination has been obtained and is kept available for inspection.

(7) If any person is employed or working on or near the wheel-track of an overhead travelling crane in any place where he would be liable to be struck by the crane, effective measures shall be taken by warning the driver of the crane or otherwise to ensure that the crane does not approach within twenty feet of that place.

(8) In this section, "*lifting machine*" means a crane, crab, winch, teagle, pulley block, gin wheel, transporter or runway.

Construction and maintenance of floors, passages and stairs.

**36.—**(1) All floors, steps, stairs, passages and gangways shall be of sound construction and properly maintained.

1263

(2) For every staircase in a building or affording a means of exit from a building, a substantial hand-rail 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 in the case of a staircase which, owing to the nature of the construction thereof or the condition of the surface of the steps or other special circumstances, is specially liable to cause accidents, such a handrail shall be provided and maintained on both sides. Any open side of a staircase shall also be guarded by the provision and maintenance of a lower rail or other effective means.

(3) All openings in floors shall be securely fenced, except in so far as the nature of the work renders such fencing impracticable.

(4) All ladders shall be soundly constructed and properly maintained.

Safe means of access and safe place of employment.

**37.—**(1) There shall, so far as is reasonably practicable, be provided and maintained safe means of access to every place at which any person has at any time to work.

(2) Where any person is to work at a place from which he will be liable to fall a distance more than ten feet, then, unless the place is one which affords secure foothold and, where necessary, secure hand-hold, means shall be provided, so far as is reasonably practicable, by fencing or otherwise for ensuring his safety.

Precautions in places where dangerous fumes are liable to be present.

**38.—**(1) Where work has to be done inside any chamber, tank, vat, pit, pipe, flue or similar confined space, in which dangerous fumes are liable to be present to such an extent as to involve risk of persons being overcome thereby—

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

(b) no person shall enter the confined space for any purpose unless the following requirements are complied with—

(i) all practicable steps shall be taken to remove any fumes which may be present and to prevent any ingress of fumes and, unless it has been ascertained by a suitable test that the space is free from dangerous fumes, the person entering shall wear a belt to which there is securely attached a rope of which the free end is held by a person outside, or

(ii) the person entering shall wear a suitable breathing apparatus,

(c) suitable breathing apparatus and a suitable reviving apparatus and suitable belts and ropes shall be provided and maintained so as to be readily accessible, and shall be thoroughly examined by a competent person at least once a month, or at such other intervals as may be prescribed,

1264

(d) a sufficient number of the persons employed shall be trained and practised in the use of such apparatus, and in the method of restoring respiration,

(e) a report on every examination under paragraph (c) of this subsection, signed by the person making the examination, shall be kept available for inspection.

(2) Without prejudice to subsection (1) of this section, a person shall not enter or remain in any chamber, tank, vat, pit, pipe, flue or similar confined space for any purpose unless either—

(a) he is ensured of a supply of air adequate for respiration and to render harmless any fumes, or

(b) he is wearing a suitable breathing apparatus.

(3) The Minister may by certificate grant, subject to any conditions specified in the certificate, exemption from compliance with any of the requirements of subsection (1) of this section in any case where he is satisfied that compliance with the requirement is unnecessary or impracticable.

(4) Work shall not be permitted in any boiler-furnace or boiler-flue until it has been sufficiently cooled by ventilation or otherwise to make work safe for the persons employed.

Precautions with respect to explosive or inflammable dust gas, vapour or substance.

**39.**—(1) Where, in connection with any grinding, sieving, or other process giving rise to dust, there may escape into any workroom dust of such a character and to such an extent as to be liable to explode on ignition, all practicable steps shall be taken to prevent such an explosion by enclosure of the plant used in the process, and by removal or prevention of accumulation of the dust, and by exclusion or effective enclosure of possible sources of ignition.

(2) Where there is present in any plant used in any such process as is referred to in subsection (1) of this section dust of such a character and to such an extent as to be liable to explode on ignition, then, unless the plant is so constructed as to withstand the pressure likely to be produced by any such explosion, all practicable steps shall be taken to restrict the spread and effects of such an explosion by the provision, in connection with the plant, of chokes, baffles and vents, or other equally effective appliances.

(3) Where any part of a plant contains any explosive or inflammable gas or vapour under pressure greater than atmospheric pressure, that part shall not be opened, except in accordance with the following provisions—

(a) before the fastening of any joint of any pipe connected with the part of the plant or the fastening of the cover of any opening into the part is loosened, any flow of the gas or vapour into the part or into any such pipe shall be effectively stopped by a stop-valve or otherwise,

(b) before any such fastening as aforesaid is removed, all practicable steps shall be taken to reduce the pressure of the gas or vapour in the pipe or part of the plant to atmospheric pressure,

1265

and if any such fastening has been loosened or removed as aforesaid, no explosive or inflammable gas or vapour shall be allowed to enter the pipe or part of the plant until the fastening has been secured, or, as the case may be, securely replaced.

(4) Subsection (3) of this section shall not apply to plant installed in the open air.

(5) Any plant, tank or vessel which contains or has contained any explosive or inflammable substance shall not be subjected to any welding, brazing or soldering operation or to any cutting operation which involves the application of heat, until all practicable steps have been taken to remove the substance and any fumes arising therefrom, or to render them non-explosive or non-inflammable, and if any plant, tank, or vessel has been subjected to any such operation as aforesaid, an explosive or inflammable substance shall not be allowed to enter the plant, tank or vessel until the metal has cooled sufficiently to prevent any risk of igniting the substance.

(6) In subsection (5) of this section, any reference to a cutting operation which involves the application of heat includes a reference to any operation involving the application of heat for the purpose of taking apart or removing the plant, tank or vessel or any part of it.

(7) The Minister may by certificate grant, subject to any conditions specified in the certificate, exemption from compliance with any of the requirements of subsections (3) and (5) of this section in any case where he is satisfied that compliance with the requirement is unnecessary or impracticable.

Steam boilers.

40.—(1) Every steam boiler, whether separate or one of a range—

(a) shall have attached to it—

- (i) a suitable safety valve, separate from any stop valve, which shall be so adjusted as to prevent the boiler being worked at a pressure greater than the maximum permissible working pressure and shall be fixed directly to, or as close as practicable to, the boiler,
- (ii) a suitable stop-valve connecting the boiler to the steam pipe,
- (iii) a correct steam pressure gauge connected to the steam space and easily visible by the boiler attendant, which shall indicate the pressure of steam in the boiler, and have marked upon it in a distinctive colour the maximum permissible working pressure,
- (iv) at least one water gauge of transparent material or other type approved by the Minister to show the water level in the boiler, and, if the gauge is of the glass tubular type and the working pressure in the boiler normally exceeds forty pounds per square inch, the gauge shall be provided with an efficient guard but not so as to obstruct the reading of the gauge,

(v) a plate bearing a distinctive number which shall be easily visible,

(b) shall be provided with means for attaching a test pressure gauge,

1266

(c) unless externally fired, shall be provided with a suitable fusible plug or an efficient low-water alarm device.

(2) Subparagraph (ii) of paragraph (a) of subsection (1) of this section shall not apply with respect to economisers, and subparagraphs (iii), (iv) and (v) of paragraph (a), and paragraphs (b) and (c), of that subsection shall not apply with respect to either economisers or superheaters.

(3) For the purposes of subsection (1) of this section, a lever-valve shall be deemed not to be a suitable safety valve unless the weight is secured on the lever in correct position.

(4) A person shall not enter or be in any steam boiler which is one of a range of two or more steam boilers unless—

(a) all inlets through which steam or hot water might otherwise enter the boiler from any other part of the range are disconnected from that part, or

(b) all valves or taps controlling such entry are closed and securely locked, and, where the boiler has a blow-off pipe in common with one or more other boilers or delivering into a common blow-off vessel or sump, the blow-off valve or tap on each such boiler is so constructed that it can only be opened by a key which cannot be removed until the valve or tap is closed and is the only key in use for that set of blow-off valves or taps.

(5) Every part of every steam boiler shall be of good construction, sound material, adequate strength, and free from patent defect.

(6) Every steam boiler and all its fittings and attachments shall be properly maintained.

(7) Every steam boiler and all its fittings and attachments shall be thoroughly examined by a competent person at least once in every period of fourteen months, and also after any extensive repairs.

Provided that, in the case of any range of boilers used at the date of the passing of this Act for the purposes of a process requiring a continuous supply of steam, any stop-valve on the range which cannot be isolated from steam under pressure need only be examined so far as is practicable without such isolation, but this proviso shall cease to have effect as soon as a reasonable opportunity arises for installing devices to enable the valve to be so isolated and, in any case, at the expiration of a period of three years from the passing of this Act.

(8) Any examination in accordance with the requirements of subsection (7) of this section shall consist, in the first place, of an examination of the boiler when it is cold and the interior and exterior have been prepared in the prescribed manner, and secondly, except in the case of an economiser or superheater, of an examination when it is under normal steam pressure, and the two parts of the examination may be carried out by different persons; the examination under steam pressure shall be made on the first occasion when steam is raised after the examination of the boiler when cold or as soon as possible thereafter, and the person making the examination shall see that the safety

1267

valve is so adjusted as to prevent the boiler being worked at a pressure greater than the maximum permissible working pressure.

(9) A report of the result of every examination under subsection (7) of this section in the prescribed form and containing the prescribed particulars (including the maximum permissible working pressure) shall, as soon as practicable, and in any case within twenty-eight days of the completion of the examination be entered in or attached to the general register, and the report shall be signed by the person making the examination, and if that person is an inspector of a boiler-inspecting company or association, countersigned by the chief engineer of the company or association or by such other responsible officer of the company or association as may be authorised in writing in that behalf by the chief engineer.

For the purposes of this subsection and the succeeding provisions of this section relating to reports of examinations, the examination of a boiler when it is cold and its examination when it is under steam pressure shall be treated as separate examinations.

(10) A steam boiler which has previously been used shall not be taken into use in any factory for the first time in that factory until it has been examined and reported on in accordance with subsections (7), (8) and (9) of this section.

(11) A new steam boiler shall not be taken into use in any factory unless there has been obtained from the manufacturer of the boiler, or from a boiler-inspecting company or association, a certificate specifying the maximum permissible working pressure thereof, and stating the nature of the tests to which the boiler and fittings have been submitted, and the certificate is kept available for inspection, and the boiler is so marked as to enable it to be identified as the boiler to which the certificate relates.

(12) Where the report of any examination under this section specifies conditions for securing the safe working of a steam boiler, the boiler shall not be used except in accordance with those conditions.

(13) The person making the report of any examination under this section, or, in the case of a boiler-inspecting company or association, the chief engineer thereof, shall within twenty-eight days of the completion of the examination send to the Minister a copy of the report in every case where the maximum permissible working pressure is reduced, or the examination shows that the boiler cannot continue to be used with safety unless certain repairs are carried out immediately or within a specified time.

(14) If the person employed to make any examination under this section fails to make a thorough examination as required by this section or makes a report which is false or deficient in any material particular, or if the chief engineer of any boiler-inspecting company or association permits any such report to be made, he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds, and if any such person or chief engineer fails to send to the Minister a copy of any report as required by subsection (13) of this section, he shall be guilty of an offence under this section.

(15) If the Minister is not satisfied as to the competency of the person employed to make any examination under this section or as to the thoroughness of the examination, he may require the boiler to be re-examined by a person nominated by him, and the occupier shall give the necessary facilities for such re-examination.



(16) If, as a result of any re-examination under subsection (15) of this section, it appears that the report of the examination was inadequate or inaccurate in any material particular, the cost of the re-examination shall be recoverable from the occupier as a simple contract debt in any court of competent jurisdiction, and the report of the re-examination purporting to be signed by the person making it shall be admissible in evidence of the facts stated therein.

(17) In this Part of this Act—

“*maximum permissible working pressure*” means, in the case of a new steam boiler, that specified in the certificate referred to in subsection (11) of this section and, in the case of a steam boiler which has been examined in accordance with this section, that specified in the report of the last examination;

“*steam boiler*” means any closed vessel in which for any purpose steam is generated under pressure greater than atmospheric pressure, and includes any economiser used to heat water being fed to any such vessel, and any superheater used for heating steam.

(18) This section shall not apply to the boiler of any ship or of any locomotive which belongs to and is used by any body corporate managing and controlling a railway.

Steam receivers and  
steam containers.

**41.—(1)** Every steam receiver, not so constructed and maintained as to withstand with safety the maximum permissible working pressure of the boiler or the maximum pressure which can be obtained in the pipe connecting the receiver with any other source of supply, shall be fitted with—

- (a) a suitable reducing valve or other suitable automatic appliance to prevent the safe working pressure being exceeded,
- (b) a suitable safety valve so adjusted as to permit the steam to escape as soon as the safe working pressure is exceeded, or a suitable appliance for cutting off automatically the supply of steam as soon as the safe working pressure is exceeded,
- (c) a correct steam pressure gauge, which must indicate the pressure of steam in the receiver,
- (d) a suitable stop valve,
- (e) except where only one steam receiver is in use, a plate bearing a distinctive number which shall be easily visible.

The safety valve and pressure gauge shall be fitted either on the steam receiver or on the supply pipe between the receiver and the reducing valve or other appliance to prevent the safe working pressure being exceeded.

(2) For the purpose of the provisions of subsection (1) of this section, except paragraph (e), any set of receivers supplied with steam through a single pipe and forming part of a single machine may be treated as one receiver, and for the purpose of the said provisions, except paragraphs (d) and (e), any other set of receivers supplied with steam through a single pipe may be treated as one receiver.

1269

(3) Subsection (2) of this section shall not apply to any set of receivers supplied with steam through a single pipe unless the reducing valve or other appliance to prevent the safe working pressure being exceeded is fitted on the single pipe.

(4) Every part of every steam receiver shall be of good construction, sound material, adequate strength, and free from patent defect.

(5) Every steam receiver and its fittings shall be properly maintained, and shall be thoroughly examined by a competent person, so far as the construction of the receiver permits, at least once in every period of twenty-six months.

(6) A report of the result of every examination under subsection (5) of this section containing the prescribed particulars (including particulars of the safe working pressure) shall be entered in or attached to the general register.

(7) Every steam container shall be so maintained as to secure that the outlet is at all times kept open and free from obstruction.

(8) In this Part of this Act—

“*safe working pressure*” means, in the case of a new steam receiver, that specified by the maker, and in the case of a steam receiver which has been examined in accordance with the provisions of this section, that specified in the report of the last examination;

“*steam receiver*” means any vessel or apparatus (other than a steam boiler, steam container, a steam pipe or coil, or part of a prime mover) used for containing steam under pressure greater than atmospheric pressure;

“*steam container*” means any vessel (other than a steam pipe or coil) constructed with a permanent outlet into the atmosphere or into a space where the pressure does not exceed atmospheric pressure, and through which steam is passed at atmospheric pressure or at approximately that pressure for the purpose of heating, boiling, drying, evaporating or other similar purpose.

Air receivers.

42.—(1) Every air receiver shall—

- (a) have marked upon it so as to be plainly visible the safe working pressure,
- (b) in the case of a receiver connected with the air compressing plant either be so constructed as to withstand with safety the maximum pressure which can be obtained in the compressor, or be fitted with a suitable reducing valve or other suitable appliance to prevent the safe working pressure of the receiver being exceeded,
- (c) be fitted with a suitable safety valve so adjusted as to permit the air to escape as soon as the safe working pressure is exceeded,
- (d) be fitted with a correct pressure gauge indicating the pressure in the receiver,

1270

(e) be fitted with a suitable appliance for draining the receiver,

(f) be provided with a suitable manhole, handhole, or other means which will allow the interior to be thoroughly cleaned, and

(g) in a case where more than one receiver is in use in the factory, bear a distinguishing mark which shall be easily visible.

(2) The requirement of paragraph (e) of subsection (1) of this section shall not apply to any such vessel as is mentioned in paragraph (c) or paragraph (d) of subsection (8) of this section.

(3) For the purpose of the provisions of subsection (1) of this section relating to safety valves and pressure gauges, any set of air receivers supplied with air through a single pipe may be treated as one receiver.

(4) In a case where a suitable reducing valve or other suitable appliance to prevent the safe working pressure being exceeded is required to be fitted to a set of air receivers supplied with air through a single pipe, subsection (3) of this section shall not apply unless the valve or appliance is fitted on the single pipe.

(5) Every air receiver and its fittings shall be of sound construction and properly maintained.

(6) Every air receiver shall be thoroughly cleaned and examined at least once in every period of twenty-six months, but in the case of a receiver of solid drawn construction—

(a) the person making any such examination may specify in writing a period exceeding twenty-six months but not exceeding four years within which the next examination is to be made, and

(b) if it is so constructed that the internal surface cannot be thoroughly examined, a suitable hydraulic test of the receiver shall be carried out in lieu of internal examination.

(7) Every examination and test under subsection (6) of this section shall be carried out by a competent person and a report of the result of every such examination and test, containing the prescribed particulars (including particulars of the safe working pressure), shall be entered in or attached to the general register.

(8) In this Part of this Act, "*air receiver*" means—

(a) any vessel (other than a pipe or coil, or an accessory, fitting or part of a compressor) for containing compressed air and connected with the air compressing plant,

(b) any fixed vessel for containing compressed air or compressed exhaust gases and used for the purpose of starting an internal combustion engine,

1271

(c) any fixed or portable vessel (not being part of a spraying pistol) used for the purpose of spraying by means of compressed air any paint, varnish, lacquer or similar material, or

(d) any vessel in which oil is stored and from which it is forced by compressed air.

Exceptions as to steam boilers, steam receivers and containers, and air receivers.

43.—The Minister may by certificate except from any of the provisions of sections 40, 41 and 42 of this Act any class or type of steam boiler, steam receiver, steam container or air receiver to which he is satisfied that such provision cannot reasonably be applied and any such exception may be unqualified or may be subject to such conditions as may be contained in the certificate.

Precautions as respects water-sealed gasholders.

44.—(1) Every gasholder shall be of sound construction and shall be properly maintained.

(2) Every gasholder shall be thoroughly examined externally by a competent person at least once in every period of two years, and a record containing the prescribed particulars of every such examination shall be entered in or attached to the general register.

(3) In the case of a gasholder of which any lift has been in use for more than twenty years, the internal state of the sheeting shall, at least once in every period of ten years and also, in the case of a gasholder in use at the commencement of this section, at least once during the period of two years from such commencement, be examined by a competent person by cutting samples from the crown and sides of the holder or by other sufficient means, and all samples so cut and a report on every such examination signed by the person making it shall be kept available for inspection.

(4) A record signed by the occupier of the factory or by a responsible official authorised in that behalf showing the date of the construction, as nearly as it can be ascertained, of the oldest lift of every gasholder in the factory shall be kept available for inspection.

(5) Where there is more than one gasholder in the factory, every gasholder shall be marked in a conspicuous position with a distinguishing number or letter.

(6) A gasholder shall not be repaired or demolished except under the direct supervision of a person who, by his training and experience and his knowledge of the necessary precautions against risks of explosion and of persons being overcome by gas, is competent to supervise such work.

(7) In this section, “gasholder” means a water-sealed gasholder which has a storage capacity of not less than five thousand cubic feet.

Means of escape in case of fire.

45.—(1) The occupier of a factory to which this section applies shall have in force a certificate under this section (subsequently referred to in this section as a certificate) given by the sanitary authority certifying that the factory is provided with such means of escape in case of fire for the persons employed therein as may reasonably be required in the circumstances of the case.

1272

(2) If there is a contravention of subsection (1) of this section in relation to a factory to which this section applies, the occupier shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds, and if the contravention in respect of which he was so convicted is continued after the conviction, he shall (subject to section 102 of this Act) be guilty of a further offence under this section and liable on summary conviction thereof to a fine not exceeding ten pounds for each day on which the offence was so continued.

(3) It shall be the duty of the sanitary authority to examine a factory to which this section applies and—

(a) if satisfied that the factory is provided with such means of escape in case of fire for the persons employed in the factory as may reasonably be required in the circumstances of the case, to give a certificate in respect of the factory, or

(b) if not so satisfied, to refuse to give a certificate in respect of the factory.

(4) A certificate shall specify precisely and in detail the means of escape provided in the factory and shall contain particulars as to the maximum number of persons employed or proposed to be employed in the factory as a whole and, if the sanitary authority think fit, in any specified part thereof, and as to any explosive or highly inflammable material stored or used and as to any other matters taken into account in granting the certificate.

(5) A certificate shall be attached by the occupier of the factory to the general register and a copy of it shall be sent by the sanitary authority to the Minister.

(6) All means of escape specified in a certificate shall be properly maintained and kept free from obstruction.

(7) The occupier of a factory—

(a) which has been certificated in pursuance of subsection (1) of section 14 of the Factory and Workshop Act, 1901, or

(b) in respect of which a notice issued in pursuance of subsection (2) of that section has been complied with, or

(c) in respect of which an award has been made under subsection (3) of that section and has been complied with,

shall be entitled to receive a certificate in respect of the factory and, pending the receipt of such certificate, no offence by reason of the occupier not having in force a certificate shall be deemed to be committed.

(8) Subsection (7) of this section shall apply to a factory if and so long as, and only if and so long as, the means of escape provided therein are properly maintained and shall not apply to a factory if, since the certification was effected or the notice or award was complied with (as the case may be) under section 14 of the Factory and Workshop Act, 1901, any action has been taken of which notice would, if this section had been in force

1273

and a certificate had been granted thereunder, have been required to be given to the sanitary authority.

(9) In the case of a factory constructed or converted for use as a factory before the coming into operation of this section (not being a factory to which subsection (7) of this section applies), no offence by reason of the occupier not having in force a certificate shall be deemed to be committed by the occupier during any period that may elapse between the coming into operation of this section and the giving or refusal of a certificate by the sanitary authority after examining the factory under this section, and if the sanitary authority refuse to give a certificate in respect of the factory unless alterations are made, no such offence shall be deemed to be committed while the alterations are being carried out in accordance with the requirements of the sanitary authority.

(10) If, after the giving of a certificate, it is proposed to make any material extension or material structural alteration of the factory premises or to increase materially the number of persons employed in the factory or in any part specified in the certificate, or to begin to store or use explosive or highly inflammable material in the factory or materially to increase the extent of such storage or use, the occupier shall give notice in writing to the sanitary authority of the proposal.

(11) If the sanitary authority, on receipt of a notice under subsection (10) of this section in relation to a factory, are of opinion that the conditions in regard to escape in case of fire will be affected, or if at any time they are satisfied that by reason of changed conditions the existing means of escape have become insufficient, they may by notice in writing require the occupier to make such alterations, within such periods, as may be specified in the notice.

(12) If it appears to the Minister that dangerous conditions in regard to escape in case of fire exist in any factory to which this section applies, he may give notice thereof in writing to the sanitary authority, and it shall be the duty of the sanitary authority forthwith to examine the factory, and they may by notice in writing require the occupier to make such alterations, within such period as may be specified in the notice.

(13) Where a notice given by the sanitary authority under this section requires the occupier of a factory to carry out alterations within a specified period—

- (a) the occupier shall carry out the alterations within that period,
- (b) upon the alterations being carried out, the sanitary authority shall amend the certificate or issue a new certificate, and shall send a copy of the amended or new certificate to the Minister,
- (c) if the alterations are not so carried out, the sanitary authority shall, without prejudice to the taking of other proceedings, cancel the certificate.

(14) Where notice is given by the Minister to a sanitary authority under subsection (12) of this section, the sanitary authority shall inform the Minister of any action taken for remedying the dangerous conditions, and, if no such action is taken by the sanitary authority within one month of the receipt of the notice the Minister may take the like action as the sanitary authority might have taken and shall be entitled to recover from the sanitary authority as a simple contract debt in any court of competent jurisdiction all

1274

such expenses as the Minister may incur in so doing and are not recovered from any other person or incurred in or about any unsuccessful legal proceedings.

(15) If the occupier of a factory is aggrieved by the refusal of the sanitary authority to give a certificate under this section or by being required by the sanitary authority or by the Minister under this section to carry out any alterations at the factory or by the cancellation of a certificate—

- (a) the occupier may appeal by way of complaint, within fourteen days of the refusal, notice of requirement or cancellation, to the District Court,
- (b) pending the final determination of the appeal, no offence shall be deemed to be committed under this section by reason of the occupier not having in force a certificate in respect of the factory,
- (c) the decision on the appeal shall be binding on the occupier and the sanitary authority or the Minister.

(16) If it appears to the Minister that the conditions in regard to escape in case of fire in any factory to which this section applies are so dangerous that the factory or any part thereof ought not to be used, or ought not to be used for a particular process or work, until steps have been taken to remedy the danger—

- (a) the Minister may, in lieu of giving a notice under subsection (12) of this section, make a complaint to the District Court,
- (b) the Court may, on being satisfied of the matters aforesaid, by order prohibit the use of the factory or part thereof, or its use for the particular process or work, until such works have been executed as are in the opinion of the Court necessary to remedy the danger,
- (c) when any works have been executed in pursuance of any such order, the Minister shall give notice thereof to the sanitary authority, who shall amend any certificate in force in respect of the factory, or issue a new certificate, as the case may require.

(17) An examination by a sanitary authority under this section shall only be carried out by officers of the sanitary authority authorised in writing either to carry out that examination or generally to carry out examinations under this section.

(18) This section applies to each of the following factories:

- (a) a factory in which more than twenty persons are employed,
- (b) a factory which is being constructed or converted for use as a factory at the date of the passing of this Act, or is so constructed or so converted after that date, and in which more than five persons are employed in the same building on any floor above the ground floor of the building,
- (c) a factory of which the construction has been completed before the passing of this Act and in which more than five persons are employed in the same

1275

building above the first floor of the building or more than twenty feet above the ground level,

(d) a factory in or under which explosive or highly inflammable materials are stored or used,

(e) a factory as respects which the factory premises are part of premises of which another part is used as a dwelling.

(19) For the purposes of subsection (18) of this section—

(a) the number of persons employed in a factory or in the same building on any floor above the ground floor of the building or more than twenty feet above the ground level shall be taken to be the largest number of persons so employed at any one time,

(b) where the persons employed are employed in shifts, the calculation of the number employed shall be according to the largest number at work at any one time.

Regulations and bye-laws as to means of escape in case of fire.

46.—(1) The Minister may make regulations as to the means of escape in case of fire to be provided in factories or any class or description of factory.

(2) It shall be the duty of the sanitary authority to enforce regulations under this section, and section 19 of this Act shall apply in the case of default in enforcing such regulations as it applies in the case of default in enforcing section 17 of this Act.

(3) If a certificate has been issued under section 45 of this Act in respect of a factory which is not in conformity with the regulations under this section, the sanitary authority shall by notice in writing require the occupier to make, within a specified period, such alterations as they consider necessary to bring the factory into conformity with the regulations, and the provisions of section 45 of this Act shall apply in relation to any such notice as they apply in relation to a notice of the sanitary authority under that section.

(4) The sanitary authority shall, in addition to any powers which they possess with reference to the prevention of fire, have power to make bye-laws as to the means of escape in case of fire to be provided in factories or any class or description of factory, but such bye-laws shall be void in so far as they contain any provision inconsistent with any regulations made by the Minister under this section.

(5) The provisions of sections 219 to 223 of the Public Health (Ireland) Act, 1878, shall apply with respect to bye-laws made under this section.

Safety provisions in case of fire.

47.—(1) While any person is within a factory for the purpose of employment or meals, the doors of the factory, and of any room therein in which the person is, and any doors which afford a means of exit for persons employed in the factory from any building or from any enclosure in which the factory is situated, shall not be locked or fastened in such manner that they cannot be easily and immediately opened from the inside.

1276



(2) Any doors opening on to any staircase or corridor from any room in which more than ten persons are employed, and in the case of any factory constructed or converted for use as a factory after the coming into operation of this section, all other doors affording a means of exit from the factory for persons employed therein, shall, except in the case of sliding doors, be constructed to open outwards.

(3) In any factory constructed or converted for use as a factory before the coming into operation of this section, in which more than ten persons are employed in the same building above the ground floor, any door at the foot of a staircase affording a means of exit from the building shall, except in the case of sliding doors, be constructed to open outwards.

(4) Every hoistway or liftway inside a building constructed after the coming into operation of this section shall be completely enclosed with fire-resisting materials, and all means of access to the hoist or lift shall be fitted with doors of fire-resisting materials, but any such hoistway or liftway shall be enclosed at the top only by some material easily broken by fire, or be provided with a vent at the top.

(5) The Minister may by certificate grant, subject to any conditions specified in the certificate, exemption from compliance with any of the requirements of subsection (4) of this section in any case where he is satisfied that compliance with those requirements is inappropriate or undesirable.

(6) Every window, door or other exit affording means of escape in case of fire or giving access to means of escape in case of fire (other than the means of exit in ordinary use) shall be distinctively and conspicuously marked by a notice printed in red letters of an adequate size.

(7) Where in any factory more than twenty persons are employed in the same building, or explosive or highly inflammable materials are stored or used in any building in which persons are employed, effective provision shall be made for giving warning in case of fire, which shall be clearly audible throughout the building.

(8) For the purposes of subsection (7) of this section—

(a) the number of persons employed in the same building shall be taken to be the largest number of persons employed therein at any one time,

(b) where the persons employed are employed in shifts, the calculation of the number employed shall be according to the largest number at work at any one time.

(9) The contents of any room in which persons are employed shall be so arranged or disposed that there is a free passage-way for all persons employed in the room to a means of escape in case of fire.

Instructions as to use of means of escape in case of fire.

48.—(1) Where in any factory more than twenty persons are employed in the same building above the first floor or more than twenty feet above the ground level, or explosive or highly inflammable materials are stored or used in any building where persons are employed, effective steps shall be taken to ensure that all the persons employed are familiar with the means of escape in case of fire and their use and with the routine to be followed in case of fire.

1277

(2) For the purposes of subsection (1) of this section—

- (a) the number of persons employed in the same building above the first floor or more than twenty feet above the ground level shall be taken to be the largest number so employed at any one time,
- (b) where the persons are employed in shifts, the calculation of the number employed shall be according to the largest number at work at any one time.

(3) The Minister may make regulations as to the steps to be taken for the purposes mentioned in subsection (1) of this section in the factories mentioned in that subsection or any class or description of those factories.

Power of Minister to require special safety arrangements for the prevention of accidents.

**49.**—Where it appears to the Minister that, in view of the number and nature of accidents occurring in any factory or class or description of factory, special provision ought to be made at that factory or at factories of that class or description to secure the safety of persons employed therein, he may make special regulations requiring the occupier to make such reasonable provision by arrangements for special supervision in regard to safety, investigation of the circumstances and causes of accidents, and otherwise as may be specified in the regulations.

Power of the District Court to make orders as to dangerous conditions and practices.

**50.**—(1) If, on complaint by the Minister, the District Court is satisfied either—

- (a) that any part of the ways, works, machinery or plant used in a factory is in such a condition or is so constructed or is so placed that it cannot be used without risk of bodily injury, or
- (b) that any process or work is carried on or anything is or has been done in a factory in such manner as to cause risk of bodily injury,

the Court shall, as the case may require, by order—

- (i) prohibit the use of that part of the ways, works, machinery or plant or, if it is capable of repair or alteration, prohibit its use until it is duly repaired or altered, or
- (ii) require the occupier to take such steps as may be specified in the order for remedying the danger complained of.

(2) Where a complaint is or has been made under subsection (1) of this section in relation to any part of the ways, works, machinery or plant used in a factory or any process or work carried on or anything which is or has been done in a factory, the District Court may, on application ex parte by the Minister and on receiving evidence that the use of such part or, as the case may be, the carrying on of such process or work or the doing of such thing involves imminent risk of serious bodily injury, make an interim order prohibiting, either absolutely or subject to conditions, the use, carrying on or doing thereof until the earliest opportunity for hearing and determining the complaint.

1278

Power of the District Court to make orders as to dangerous factory.

**51.**—(1) The District Court may, on complaint by the Minister, and on being satisfied that any factory or part of a factory is in such a condition, or is so constructed or placed, that any process or work carried on therein cannot be so carried on with due regard to the safety, health and welfare of the persons employed, by order prohibit the use thereof for the purpose of that process or work.

(2) The carrying on of any process or work may, by an order under subsection (1) of this section, be prohibited either indefinitely, or until such steps have been taken as may be specified in the order to enable the process or work to be carried on with due regard to the safety, health and welfare of the persons employed or without such a contravention as aforesaid, as the case may be; but any such order may be revoked or varied on the application by way of complaint of the occupier or owner of the factory or premises.

(3) On any application for the revocation or variation of an order under subsection (1) of this section, the Minister shall be entitled to be heard.

#### PART IV.

#### Welfare (General Provisions).

Supply of drinking water.

**52.**—(1) There shall be provided and maintained at suitable points conveniently accessible to all persons employed an adequate supply of wholesome drinking water from a public main or from some other source approved in writing by the sanitary authority, such approval not to be withheld except on the ground of the unwholesomeness of the water.

(2) A supply of drinking water which is not laid on shall be contained in suitable vessels and shall be renewed at least daily, and all practicable steps shall be taken to preserve the water and vessels from contamination.

(3) In subsection (2) of this section "*suitable vessels*" does not include open barrels, pails, tanks or other containers from which the water must be obtained by dipping or pouring, whether they are fitted with covers or not.

(4) A supply of drinking water (whether laid on or not) shall be clearly marked "*Drinking Water*".

(5) Except where the water is delivered in an upward jet from which the employed persons can conveniently drink, one or more suitable cups or drinking vessels shall be provided at each point of supply with facilities for rinsing them in drinking water.

Washing facilities.

**53.**—(1) There shall be provided and maintained for the use of employed persons adequate and suitable facilities for washing which shall include soap and clean towels or other suitable means of cleaning or drying, and the facilities shall be conveniently accessible and shall be kept in a clean and orderly condition.

(2) The Minister, after consultation with the Minister for Health, may, by regulations, prescribe, either generally or as respects any class or description of factory or as respects the persons employed in any process, a standard of adequate and suitable washing facilities.

1279

(3) The Minister may, by regulations, provide for the exemption of factories from any of the requirements of this section in cases where, by reason of the difficulty of obtaining an adequate supply of water, or the fact that accommodation is restricted and adequate and suitable washing facilities are otherwise conveniently available or such other special circumstances as may be specified in the regulations, the application of the requirement would in his opinion be unreasonable.

Accommodation for clothing.

**54.**—(1) There shall be provided and maintained for the use of employed persons adequate and suitable accommodation for clothing not worn during working hours and such arrangements as are reasonably practicable, or where a standard is prescribed, such arrangements as are specified in the relevant regulations, shall be made for drying such clothing.

(2) The Minister, after consultation with the Minister for Health, may, by regulations, prescribe, either generally or as respects any class or description of factory, a standard of adequate and suitable accommodation for clothing of employed persons not worn during working hours and of arrangements for drying such clothing.

(3) The Minister may by regulations provide for the exemption of factories from any of the requirements of this section in cases where by reason of such special circumstances as may be specified in the regulations the application of the requirement would in his opinion be unreasonable.

Facilities for sitting.

**55.**—(1) Where any employed persons have in the course of their employment reasonable opportunities for sitting without detriment to their work or where a substantial proportion of any work done by employed persons can properly be done sitting, there shall be provided and maintained for their use suitable facilities for sitting.

(2) The Minister may, by regulations, prescribe a standard of suitable facilities for sitting for factories or any class or description of factory or parts thereof, or for any process.

First-aid.

**56.**—(1) There shall be provided and maintained so as to be readily accessible a first-aid box or cupboard of such standard as, after consultation by the Minister with the Minister for Health, may be prescribed, and where more than one hundred and fifty persons are employed, an additional box or cupboard for every additional one hundred and fifty persons.

(2) For the purposes of subsection (1) of this section—

(a) the number of persons employed in a factory shall be taken to be the largest number of persons employed therein at any one time, and any fraction of one hundred and fifty shall be taken to be one hundred and fifty,

(b) where the persons employed are employed in shifts, the calculation of the number employed shall be according to the largest number at work at any one time.

(3) Nothing except appliances or requisites for first-aid shall be kept in a first-aid box or cupboard.

1280

(4) Each first-aid box or cupboard shall be placed under the charge of a responsible person who shall, in the case of a factory where more than fifty persons are employed, be trained in first-aid treatment, and the person in charge shall always be readily available during working hours.

(5) There shall be kept posted in each workroom a notice stating the name of the person in charge of the first-aid box or cupboard provided in respect of that room.

(6) If an ambulance room is provided at the factory and such arrangements are made as to ensure the immediate treatment there of all injuries occurring in the factory, the Minister may by certificate exempt the factory from the requirements of this section to such extent and subject to such conditions as he may specify in the certificate.

Welfare regulations.

57.—(1) Where it appears to the Minister that provision requires to be made in relation to any of the matters to which this section applies for securing the welfare of the persons employed or any class of them, he may make special regulations (in this Act referred to as welfare regulations) requiring such reasonable steps to be taken in connection therewith as may be specified in the regulations, either in addition to, or in substitution for, or by way of extension or variation of, any of the foregoing provisions of this Part of this Act.

(2) This section applies to—

- (a) the matters dealt with in the foregoing provisions of this Part of this Act,
- (b) arrangements for preparing or heating, and taking, meals,
- (c) the supply of protective clothing,
- (d) arrangements for protection of persons employed where they are exposed to unduly high or unduly low temperatures,
- (e) ambulance and first-aid arrangements,
- (f) the supply and use of seats in workrooms,
- (g) rest rooms,
- (h) arrangements for the supervision of persons employed.

(3) This section shall not apply to factories in which the only persons employed are members of the same family dwelling there.

(4) Welfare regulations may—

- (a) be made for a particular factory or for factories of any class or description,
- (b) be made contingent in respect of particular requirements upon application being made by a specified number or proportion of the employed persons

1281

concerned, and prescribe the manner in which the views of the persons employed are to be ascertained,

- (c) provide for the employed persons concerned being associated in the management of the arrangements, accommodation or other facilities for which provision is made, in any case where a portion of the cost is contributed by the persons employed; but no contribution shall be required from the persons employed in any factory, except for the purpose of providing additional or special benefits which, in the opinion of the Minister, could not reasonably be required to be provided by the employer alone, and unless two-thirds at least of the employed persons affected in that factory, on their views being ascertained in the prescribed manner, assent.

(5) Welfare regulations may impose duties on owners and, so far as relates to the use of any facilities provided, on employed persons.

(6) The Minister may by regulations extend the matters to which this section applies so as to include other matters affecting the welfare of employed persons or any class of them.

#### PART V.

##### Health, Safety and Welfare (Special Provisions and Regulations).

Removal of dust or fumes.

**58.—**(1) In every factory in which, in connection with any process carried on, there is given off any dust or fume or other impurity of such a character and to such an extent as to be likely to be injurious or offensive to the persons employed, or any substantial quantity of dust of any kind, all practicable measures shall be taken to protect the persons employed against inhalation of the dust or fume or other impurity and to prevent its accumulation in any workroom, and in particular, where the nature of the process makes it practicable, exhaust appliances shall be provided and maintained, as near as possible to the point of origin of the dust or fume or other impurity, so as to prevent it entering the air of any workroom.

(2) No stationary internal combustion engine shall be used unless—

- (a) provision is made for conducting the exhaust gases from the engine into the open air,
- (b) the engine (except when used for the purpose of being tested) is so partitioned off from any workroom or part of a workroom, in which persons are employed other than persons attending to the engine, as to prevent any injurious fumes from the engine entering the air of the room or part of the room.

Meals in certain dangerous trades.

**59.—**(1) Where in any room lead, arsenic or other poisonous substance is so used as to give rise to any dust or fume, or a process is carried on which gives rise to siliceous dust or asbestos dust, a person shall not be permitted to partake of food or drink in that room or to remain in that room during the intervals allowed to him for meals or rest.

1282

(2) Suitable provision shall be made for enabling the persons employed in any such room as is mentioned in subsection (1) of this section to take their meals elsewhere in the factory.

(3) Where it appears to the Minister that, by reason of the nature of any process, it is injurious to health or otherwise undesirable to take meals in rooms where that process is carried on or to remain therein during the intervals allowed for meals or rest, he may, if he thinks fit, by regulations, made after consultation with the Minister for Health, extend all or any of the provisions of subsections (1) and (2) of this section to rooms where that process is carried on.

Protection of eyes in certain processes.

**60.**—In the case of any such process as may be specified in regulations made by the Minister after consultation with the Minister for Health, being a process which involves a special risk of injury to the eyes, suitable goggles or effective screens shall, in accordance with any directions given by the regulations, be provided to protect the eyes of the persons employed in the process.

Shuttle threading by mouth suction.

**61.**—The Minister may make such special regulations as appear to him to be reasonably practicable for extending the provision and use in factories, in which the weaving of cotton or other cloth is carried on, of shuttles which are not capable of being threaded or readily threaded by suction of the mouth, and any such regulations may impose duties on persons employed as well as on occupiers.

Prohibition of use of white phosphorus in manufacture of matches.

**62.**—A person shall not use in the manufacture of matches the substance usually known as white or yellow phosphorus.

Humid factories.

**63.**—(1) The occupier of every humid factory shall, on or before the first occasion on which artificial humidity is produced at that factory, give notice thereof in writing to the Minister.

(2) In every humid factory in which regulations made under this Act or under the enactments thereby repealed, with respect to humidity, are not for the time being in force, the following provisions shall have effect:

(a) subject to subsections (3) and (4) of this section, there shall be provided and maintained in every room in which artificial humidity is produced, two hygrometers, conforming to such conditions, as regards construction and maintenance, as may be prescribed, and the following requirements with respect thereto shall be complied with:

(i) one hygrometer shall be fixed in the centre and one at the side of each room, or in such other position as may be directed or sanctioned by an inspector, so as to be plainly visible to the persons employed;

(ii) a copy of the table of humidity set out in the Second Schedule to this Act, or such other table as may be substituted therefor by regulations of the Minister, shall be kept hung up near to each hygrometer;

(iii) the occupier or other person authorised for the purpose shall read the hygrometers twice daily, namely, between ten and eleven o'clock in the

morning and between three and four o'clock in the afternoon on every day on which any persons are employed in the room in the morning or afternoon, as the case may be, and when persons are employed before six o'clock in the morning or after eight o'clock in the evening, at such other times as may be directed by an inspector and shall enter the readings on a record which shall be provided for each hygrometer in the prescribed form;

- (iv) the forms on which the readings of each hygrometer are recorded shall be kept hung up near the hygrometer and when filled up shall be preserved at the factory for reference;
- (v) the entries recorded in any such form shall be *prima facie* evidence of the humidity of the atmosphere and temperature in the factory;
- (b) there shall be no artificial humidification in any room at any time when the reading of the wet bulb thermometer exceeds seventy-two and a half degrees or, in the case of a room in which the spinning of cotton or in which the spinning of merino or cashmere by the French or dry process or the spinning or combing of wool by that process is carried on, eighty degrees;
- (c) there shall be no artificial humidification in any room at any time when the difference between the readings of the dry and wet bulb thermometers is less than that indicated in the table of humidity;
- (d) no water which is liable to cause injury to the health of the persons employed, or to yield effluvia, shall be used for artificial humidification, and for the purpose of this provision any water which absorbs from acid solution of permanganate of potash in four hours at sixty degrees more than half a gram of oxygen per gallon of water, shall be deemed to be liable to cause injury to the health of the persons employed.

(3) The Minister may direct in writing, in the case of any factory or any room in a factory, that the provision and maintenance of one hygrometer shall be sufficient instead of two, the hygrometer to be fixed in such a position as may be directed by an inspector, and subsection (2) of this section shall have effect accordingly.

(4) Where, as respects any room, notice has been given in writing to the Minister that it is intended that the humidity of the atmosphere should never be greater than will maintain a difference of at least four degrees between the readings of the dry and wet bulb thermometers subparagraphs (iii) and (iv) of paragraph (a) of subsection (2) of this section shall not apply as respects that room so long as at least that difference is maintained and a copy of the said notice is kept posted in the room.

Underground rooms.

**64.**—(1) Work shall not be carried on in any underground room (not being an underground room used only for the purpose of storage or for some purpose excepted by order of the Minister) which is certified by the Minister to be unsuitable for the purpose as regards construction, height, light or ventilation, or on any hygienic ground, or on the ground that adequate means of escape in case of fire are not provided.

(2) Where the Minister certifies under subsection (1) of this section as unsuitable any room which is in actual use, he shall suspend the operation of the certificate for such

1284



period as he considers reasonable with a view to enabling the occupier to render the room suitable or to obtain other premises.

(3) In the case of any underground room which at the commencement of this Act does not form part of a factory or is not used as a workroom in a factory or is used only for the purpose of storage or for some purpose excepted by order under subsection (1) of this section, the occupier—

(a) shall, before the room is used for work for which it may be certified as unsuitable under this section, give notice in writing to the Minister and supply the Minister with such information as the Minister may require him to give,

(b) shall not use the room for any such process as may be specified in regulations made by the Minister, being a process of a hot, wet or dusty nature, or which is liable to give off any fume, without the consent in writing of the Minister.

(4) If the occupier is aggrieved by any decision of the Minister under this section—

(a) he may, within twenty-one days of the date of issue of the certificate or the refusal of the consent, as the case may be, appeal by way of complaint to the District Court,

(b) pending the final determination of an appeal against a decision under subsection (1) of this section in the case of a room in actual use, no offence shall be deemed to be committed by reference to that subsection in respect of the room to which the appeal relates,

(c) the decision of the Court shall in all cases be binding on the occupier and the Minister.

(5) In this section, “*underground room*” means any room which or any part of which is so situate that half or more than half the whole height thereof, measured from the floor to the ceiling, is below the surface of the footway of the adjoining street or of the ground adjoining or nearest to the room.

Basement bakehouses. **65.**—(1) Without prejudice to section 64 of this Act, a basement bakehouse shall not be used as a bakehouse after the expiration of three years from the commencement of this Act.

(2) Where, as respects any basement bakehouse, the Minister is satisfied—

(a) that it was in use as a bakehouse on the 7th day of July, 1954, and

(b) that it is suitable for use as a bakehouse as regards construction, height, light, ventilation, hygiene and means of escape in case of fire,

the Minister, after consultation with the Minister for Health, may by certificate exempt such basement bakehouse from subsection (1) of this section.

1285

(3) Notwithstanding any other provision of this Act, a certificate issued under subsection (2) of this section shall be for a specified period (being, in the case of a basement bakehouse other than a basement bakehouse at least one side of which is not below ground level, a period not exceeding five years), but such certificate may be renewed.

(4) In this section—

“*basement bakehouse*” means a bakehouse, any bakery room of which is so situate that the surface of the floor is more than three feet below the surface of the footway of the adjoining street or of the ground adjoining or nearest to the room;

“*bakery room*” means any room used for baking, or for any process incidental thereto.

Laundries.

**66.**—In every laundry—

- (a) effective steps shall be taken by means of a fan or otherwise to regulate the temperature in every ironing room, and to carry away the steam in every washhouse,
- (b) all stoves for heating irons shall be so separated from any ironing room or ironing table as to protect the workers from the heat thereof,
- (c) no gas iron emitting any noxious fumes shall be used.

Lifting excessive weights.

**67.**—(1) A person shall not be employed to lift, carry or move any load so heavy as to be likely to cause injury to him.

(2) The Minister may, after consultation with the Minister for Health, make regulations prescribing the maximum weights which may be lifted, carried or moved by persons employed in factories, and any such regulations may prescribe different weights in different circumstances and may relate either to persons generally or to any class of persons or to persons employed in any class or description of factory or in any process.

Prohibition of employment of female young persons where certain processes are carried on.

**68.**—(1) Where in any part of a factory—

- (a) the process of melting, or of blowing glass other than lamp blown glass,
- (b) the process of annealing glass other than plate or sheet glass, or
- (c) the evaporating of brine in open pans, or the stoving of salt,

is carried on, a female young person shall not be employed in that part of the factory.

(2) The Minister may by regulations, made after consultation with the Minister for Health, extend this section to any process in which, on account of the special

1286

circumstances, it appears to him undesirable that female young persons should be employed and, if he is satisfied that owing to a change in the circumstances in which any process specified in subsection (1) of this section is carried on the provisions of this section ought not to apply or ought to be relaxed with respect to that process, he may by regulations direct that this section shall, to such extent and subject to such conditions as may be specified in the regulations, cease to apply to that process.

Prohibition of employment of women and young persons in certain processes connected with lead manufacture.

**69.**—A woman or young person shall not be employed in any factory in any of the following operations:—

- (a) work at a furnace where the reduction or treatment of zinc or lead ores is carried on;
- (b) the manipulation, treatment or reduction of ashes containing lead, the desilverising of lead, or the melting of scrap lead or zinc;
- (c) the manufacture of solder or alloys containing more than ten per cent. of lead;
- (d) the manufacture of any oxide, carbonate, sulphate, chromate, acetate, nitrate or silicate of lead;
- (e) mixing or pasting in connection with the manufacture or repair of electric accumulators;
- (f) the cleaning of workrooms where any of the processes aforesaid are carried on.

Provisions as to employment of women and young persons in processes involving use of lead compounds.

**70.**—(1) A woman or young person shall not be employed in any factory in any process involving the use of lead compounds if the process is such that dust or fume from a lead compound is produced therein, or the persons employed therein are liable to be splashed with any lead compound in the course of their employment, unless the following provisions are complied with as respects all women and young persons employed:—

- (a) where dust or fume from a lead compound is produced in the process, provision shall be made for drawing the dust or fume away from the persons employed by means of an efficient exhaust draught so contrived as to operate on the dust or fume as nearly as may be at its point of origin;
- (b) the persons employed shall undergo the prescribed medical examination at the prescribed intervals, and the prescribed record shall be kept with respect to their health;
- (c) food, drink or tobacco shall not be brought into or consumed in any room in which the process is carried on, and a person shall not be allowed to remain in any such room during meal times;
- (d) suitable protective clothing in a clean condition shall be provided by the occupier and worn by the persons employed;

1287

(e) such suitable cloak-room, mess-room and washing accommodation as may be prescribed shall be provided for the use of the persons employed;

(f) the rooms in which the persons are employed, and all tools and apparatus used by them, shall be kept in a clean state.

(2) It shall not be lawful to employ in any process involving the use of lead compounds any woman or young person who has been suspended after medical examination from employment in any such process on the ground that continuance therein would involve special danger to health.

(3) The method of ascertaining whether any compound or mixture is a lead compound within the meaning of this section shall be such as may be prescribed.

(4) In this section "*lead compound*" means any soluble compound of lead which is declared by regulations of the Minister to be a lead compound for the purposes of this section, and includes a mixture containing any such compound, but does not include an alloy containing lead.

Power to make special regulations for safety and health.

71.—(1) Where the Minister is satisfied that any manufacture, machinery, plant, equipment, appliance, process or description of manual labour, used in factories, is of such a nature as to cause risk of bodily injury to the persons employed, or any class of those persons, he may, after consultation with the Minister for Health, make such special regulations as appear to him to be reasonably practicable and to meet the necessity of the case.

(2) Special regulations under this section may, among other things,—

(a) prohibit the employment of, or modify or limit the hours of employment of, all persons or any class of persons in connection with any manufacture, machinery, plant, process, or description of manual labour,

(b) prohibit, limit or control the use of any material or process,

(c) modify with respect to any class or description of factory any provisions of Part II, Part III or this Part of this Act, being provisions imposing requirements as to health or safety,

(d) impose duties on owners, employed persons and other persons, as well as on occupiers.

(3) Special regulations under this section may apply to all factories in which the manufacture, machinery, plant, process or description of manual labour is used or to any specified class or description of such factories, and may provide for the exemption of any specified class or description of factory either absolutely or subject to conditions.

Power to take samples.

72.—(1) An inspector may at any time after informing the occupier or, if the occupier is not readily available, a foreman or other responsible person in the factory, take for analysis sufficient samples of any material in use or mixed for use in the manufacture of matches or of any substance used or intended to be used in a factory being a substance in respect of which he suspects a contravention of any regulation made under this Part of

1288

this Act, or which in his opinion is likely to cause bodily injury to the persons employed, or which he thinks may prove on analysis to be likely to cause such injury.

(2) The occupier or the foreman or other responsible person referred to in subsection (1) of this section may, at the time when a sample is taken under this section, and on providing the necessary appliances, require the inspector to divide the sample into three parts, to mark and seal or fasten up each part in such manner as its nature permits, and—

(a) to deliver one part to the occupier, or the foreman or other responsible person,

(b) to retain one part for future comparison,

(c) to submit one part to the analyst,

and any analysis under this section shall, if so required, be carried out by or under the direction of the State Chemist.

(3) A certificate purporting to be a certificate by the State Chemist as to the result of an analysis of a sample under this section shall in any proceedings under this Act be admissible as evidence of the matters stated therein, but either party may require the person by whom the analysis was made to be called as a witness.

(4) It shall not be lawful for any person, except in so far as is necessary for the purposes of a prosecution for an offence under this Act, to publish or disclose to any person the results of an analysis made under this section, and if any person acts in contravention of this subsection, he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds.

Safety Committee and  
Safety Delegate.

73.—(1) Where the persons employed in a factory have selected from among themselves a committee (in this subsection referred to as the Safety Committee) for the purpose of promoting the better safety, health and welfare of the persons employed, the following provisions shall have effect:—

(a) it shall be a function of the Safety Committee to assist in securing compliance by the occupier of the factory and by the persons employed therein with the provisions of this Act and of the orders and regulations made under this Act,

(b) upon the request of the Safety Committee, the occupier shall make an entry in the general register noting—

(i) the establishment of the Safety Committee, and

(ii) if the Safety Committee has nominated one of its members to be the Safety Delegate for the purposes of this section, the name of the Safety Delegate,

(c) the occupier shall be entitled to be represented, by at least one person nominated by him, at each meeting of the Safety Committee,

1289

- (d) the occupier shall consider any representations made to him by the Safety Committee on matters affecting the safety, health and welfare of the persons employed,
- (e) the Safety Committee shall consider any representations made to it by the occupier on matters affecting the safety, health and welfare of the persons employed,
- (f) an inspector shall consider any representations made to him by the Safety Delegate on matters affecting the safety, health and welfare of the persons employed (being representations made on the request of the Safety Committee) and, for this purpose, may inspect any records of the proceedings of the Safety Committee,
- (g) an inspector shall be entitled, should he so wish, to have the Safety Delegate accompany him on his tour of inspection of the factory or any part of such tour.

(2) If the Minister is satisfied that there exists in the factory a committee or other body which is not a committee such as is referred to in subsection (1) of this section but which is so constituted as to be capable of discharging the functions of such a committee, he may, on application being made by the committee or other body and with the consent of the occupier of the factory, issue a certificate recognising the committee or other body as a Safety Committee for the purposes of this section and, while such certificate is in force, the provisions of subsection (1) of this section shall apply to the committee or other body.

#### PART VI.

##### Notification and Investigation of Accidents and Industrial Diseases.

Notification of accidents.

74.—(1) Where any accident occurs in a factory which either—

- (a) causes loss of life to a person employed in that factory, or
- (b) disables any such person for more than three days from earning full wages at the work at which he was employed,

written notice of the accident, in the prescribed form and accompanied by the prescribed particulars, shall forthwith be sent to the Minister.

(2) Where any accident causing disablement is notified under this section, and after notification thereof results in the death of the person disabled, notice in writing of the death shall be sent to the Minister by the occupier of the factory as soon as the death comes to his knowledge.

(3) Where any accident to which this section applies occurs to a person employed in a factory of which the occupier is not the actual employer of such person, the actual employer shall immediately report the accident to the occupier and, if he fails to do so,

1290

he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds.

(4) A notice of any accident of which notice is sent in accordance with the requirements of the Explosives Act, 1875, need not be sent in accordance with the requirements of this section.

Power to extend to dangerous occurrences provisions as to notice of accidents.

75.—(1) If the Minister considers that, by reason of the risk of serious bodily injury to persons employed, it is expedient that notice should be given under section 74 of this Act in every case of any special class of explosion, fire, collapse of buildings, accidents to machinery or plant, or other occurrences in a factory, he may by regulations extend the provisions of that section to any such class of occurrences, whether death or disablement is caused or not.

(2) The Minister may by any regulations under this section allow the required notice of any occurrence to which the regulations relate, instead of being sent forthwith, to be sent within the time limited by the regulations.

Notification of industrial diseases.

76.—(1) Every medical practitioner attending on or called in to visit a patient whom he believes to be suffering from lead, phosphorus, arsenical or mercurial poisoning, or anthrax, contracted in any factory, shall (unless such a notice has been previously sent) forthwith send to the Minister a notice stating the name and full postal address of the patient and the disease from which, in the opinion of the medical practitioner, the patient is suffering, and the name and address of the factory in which he is or was last employed, and shall be entitled in respect of every notice sent in pursuance of this section to a fee of two shillings and sixpence, to be paid by the Minister.

(2) If, in contravention of the provisions of this section, any medical practitioner fails to send any notice in accordance with the requirements thereof, he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds.

(3) Written notice of every case of lead, phosphorus, or arsenical or mercurial poisoning, or anthrax, occurring in a factory shall forthwith be sent by the occupier in the prescribed form and accompanied by the prescribed particulars to the Minister and to the certifying doctor.

(4) Where any disease is notified under subsection (3) of this section and, after notification, results in the death of the person who contracted the disease, notice in writing of the death shall be sent by the occupier of the factory to the Minister as soon as the death comes to his knowledge.

(5) Where any disease to which this section applies is contracted by a person employed in a factory of which the occupier is not the actual employer of such person, the actual employer shall immediately report the contracting of the disease to the occupier and, if he fails to do so, he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds.

(6) The Minister may, as respects all factories or any class or description of factory, by regulations, made after consultation with the Minister for Health, apply this section to any disease other than those mentioned in this section.

Inquest in case of death by accident or industrial disease. 77.—Where a coroner holds an inquest on the body of any person whose death may have been caused by any accident or disease of which notice is required by this Part of this Act to be given, the following provisions shall have effect:

(a) the coroner shall adjourn the inquest unless—

- (i) an inspector or some other person appearing on behalf of the Minister is present to watch the proceedings, or
- (ii) in case the inquest relates to the death of not more than one person and the coroner has sent to the Minister notice of the time and place of holding the inquest at such time as to reach the Minister not less than twenty-four hours before the time of holding the inquest, the majority of the jury think it unnecessary to adjourn the inquest;

(b) if the coroner adjourns the inquest—

- (i) he may, before the adjournment, take evidence to identify the body and may order the interment of the body,
- (ii) he shall, at least four days before holding the adjourned inquest, send to the Minister notice in writing of the time and place of holding the adjourned inquest;

(c) no person having a personal interest in or employed in or about or in the management of the factory in or about which the accident or disease occurred or was contracted shall be qualified to serve on the jury;

(d) it shall be the duty of the person summoning the jury not to summon any person disqualified under paragraph (c) of this section and it shall be the duty of the coroner not to allow any such person to be sworn or to sit on the jury;

(e) the following persons shall, subject to the power of the coroner to disallow any question which in his opinion is not relevant or is otherwise not a proper question, be entitled to examine any witness either in person or by counsel or solicitor:

- (i) an inspector or any other person appearing on behalf of the Minister,
- (ii) any relation or friend of the person in respect of whose death the inquest is being held,
- (iii) the occupier of the factory in which the accident or disease occurred or was contracted,
- (iv) any person appointed in writing by the majority of the persons employed in the factory,

1292



(v) any person appointed in writing by any trade union, friendly society or other association of persons to which the deceased at the time of his death belonged or to which any person employed in the factory belongs,

(vi) any person appointed in writing by any association of employers of which the occupier of the factory is a member;

(f) where an inspector or a person on behalf of the Minister is not present at the inquest and evidence is given of any neglect having caused or contributed to the accident or disease, or of any defect in or about the factory appearing to the coroner or jury to require a remedy, the coroner shall send to the Minister notice in writing of the neglect or defect.

Power to direct formal investigation of accidents and cases of disease.

78.—(1) The Minister may, where he considers it expedient so to do, direct a formal investigation to be held into any accident occurring or case of disease contracted or suspected to have been contracted in a factory and of its causes and circumstances.

(2) The following provisions shall have effect in relation to an investigation under this section:—

(a) the Minister may appoint a competent person to hold the investigation, and may appoint any person possessing legal or special knowledge to act as assessor in holding the investigation;

(b) the person or persons so appointed (hereinafter in this subsection referred to as the tribunal) shall hold the investigation in open court in such manner and under such conditions as the tribunal may think most effectual for ascertaining the causes and circumstances of the accident or case of disease, and for enabling the tribunal to make its report;

(c) the tribunal shall have for the purposes of the investigation all the powers of a Justice of the District Court when hearing a prosecution for an offence under this Act, and all the powers of an inspector under this Act, and, in addition, power—

(i) to enter and inspect any place or building the entry or inspection whereof appears to the tribunal requisite for the said purposes;

(ii) by summons signed by the tribunal to require the attendance of all such persons as it thinks fit to call before it and examine for the said purposes, and to require answers or returns to such inquiries as it thinks fit to make;

(iii) to require the production of all books, papers and documents which it considers important for the said purposes;

(iv) to administer an oath and require any person examined to make and sign a declaration of the truth of the statements made by him in his examination;

1293

- (d) persons attending as witnesses before the tribunal shall be allowed such expenses as would be allowed to witnesses attending before a court of record, and in case of dispute as to the amount to be allowed, the dispute shall be referred by the tribunal to a taxing master of the High Court, who, on request, signed by the tribunal, shall ascertain and certify the proper amount of the expenses;
- (e) the tribunal shall make a report to the Minister stating the causes and circumstances of the accident or case of disease and its circumstances, and adding any observations which the tribunal thinks right to make;
- (f) the tribunal may require the expenses incurred in and about an investigation under this section (including the remuneration of any persons appointed to act as assessors) to be paid in whole or part by any person summoned before it who appears to the tribunal to be, by reason of any act or default on his part or on the part of any servant or agent of his, responsible in any degree for the occurrence of the accident or case of disease, but any such expenses not required to be so paid shall be deemed to be part of the expenses of the Minister in the administration of this Act;
- (g) any person who without reasonable excuse (proof whereof shall lie on him) either fails, after having had the expenses (if any) to which he is entitled tendered to him, to comply with any summons or requisition of the tribunal, or prevents or impedes the tribunal in the execution of its duty, shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds, and, in the case of a failure to comply with a requisition for making any return or producing any document, if the failure in respect of which a person was so convicted is continued after the conviction, he shall be guilty of a further offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds for every day on which the failure was so continued;
- (h) the Minister may cause the report of the tribunal to be made public at such time and in such manner as he thinks fit.

Investigation and report  
in certain cases.

79.—(1) It shall be the duty of the certifying doctor to investigate and report—

- (a) upon cases of death or injury caused by exposure in a factory to fumes or other noxious substances, or due to any other special cause specified in instructions of the Minister as requiring investigation,
- (b) upon any case of death or injury which an inspector in pursuance of any general or special instructions of the Minister may refer to him for that purpose,
- (c) upon any case of disease of which he receives notice under this Act.

(2) The certifying doctor shall, for the purpose of an investigation under this section, have the like powers as an inspector, including power to enter any room in a building to which the person killed, injured or affected has been removed.

1294

(3) The Minister may, by authorisation in writing, authorise a registered medical practitioner to investigate and report upon any matter relating to this Act, and any registered medical practitioner so authorised shall, for the purpose of the investigation, have the like powers as an inspector.

## PART VII.

### Certificates of Fitness in respect of Young Persons.

Certificates of fitness for employment of young persons.

**80.—(1)** Subject to the provisions of this section, a young person who is taken into any employment in a factory shall not remain in that employment after the expiration of ten working days (or such longer period as may be prescribed) unless he has been examined by the certifying doctor and certified by him to be fit for that employment.

(2) Subject to the provisions of this section, a young person in respect of whom a certificate under subsection (1) of this section or under this subsection is in force shall not be taken into or remain in employment in a factory after the expiration of twelve months from the date of such certificate unless, during the last three of such twelve months, he has been examined by the certifying doctor or a registered medical practitioner engaged by or on behalf of such young person and has been certified by the certifying doctor or such practitioner to be fit for that employment.

(3) Where the certifying doctor or a registered medical practitioner after examining a young person requires further information or further time for consideration before deciding whether or not to certify him as fit for employment or as to the conditions subject to which the certificate is to be issued, he may issue a provisional certificate authorising the employment of the young person for such period as may be specified in the certificate, not exceeding twenty-one days from the date on which it was issued.

(4) Any certificate under this section may be issued—

(a) in respect of employment in all factories in the occupation of the same occupier, or such of them as may be specified in the certificate,

(b) subject to conditions as respects the nature of the work in which the person concerned is to be employed.

(5) Where a certificate under this section is issued upon any such condition as is referred to in subsection (4) of this section, the person to whom the certificate relates shall not, so long as he is a young person, be employed except in accordance with the condition.

(6) If the certificate under this section of a person is revoked while he is a young person, he shall not remain in any employment to which the certificate relates, and subsections (1) and (2) of this section shall thereafter have effect as if no certificate had been issued in respect of him.

(7) Where a certificate under this section in respect of a person is refused or revoked, the certifying doctor or registered medical practitioner shall, if requested to do so by the parent of the person, give to the parent in writing the reasons for the refusal or revocation.

1295

(8) The Minister may make regulations prescribing—

- (a) the manner in which and the place at which examinations under this section shall be conducted;
- (b) the form of certificates under this section;
- (c) the facilities to be afforded by occupiers of factories for the purpose of examinations under this section, including facilities for a certifying doctor or registered medical practitioner to inspect any process in which a young person is to be employed;
- (d) any other matter which the Minister may consider desirable for the purpose of giving effect to this section.

(9) Where as respects any factory or class of factories the Minister is satisfied that the health risk is high, he may, by regulations in relation to such factory or class of factories, extend this section to persons who are not young persons and who have not attained the age of twenty-one.

#### PART VIII.

##### Special Applications and Extensions.

Multiple factories.

**81.**—(1) Subject as hereinafter in this section provided, the owner (whether or not he is one of the occupiers) of a multiple factory shall, instead of the occupier be responsible for any contravention of—

- (a) the provisions of Part II of this Act with respect to drainage of floors, sanitary conveniences and (except in the case of any room which is occupied by not more than one tenant) cleanliness, overcrowding, temperature, ventilation and lighting;
- (b) the provisions of Part III of this Act with respect to the provision and maintenance of fencing and safety appliances, except in so far as they relate to machinery or plant belonging to or supplied by the occupier of the separate factory, the construction, maintenance, testing and examination of machinery or plant, except such machinery or plant as aforesaid, the construction and maintenance of floors, passages and stairs, and means of escape in case of fire, the provisions of any regulations made under section 46 of this Act and the provisions of any Order made under section 51 of this Act;
- (c) the provisions of Part IV of this Act and the provisions of any welfare regulations;
- (d) the provisions of Part V of this Act with respect to the removal of dust or fumes, except in the case of any room which is occupied by not more than one tenant;

1296

(e) the provisions of Part VI of this Act, except in the case of any room which is occupied by not more than one tenant;

(f) the provisions of Part XIII of this Act as to posting an abstract and notices;

and for the purpose of the foregoing provisions the whole of a multiple factory or, as the case may be, the whole of such factory except rooms occupied by not more than one tenant shall be deemed to be one factory in the occupation of the owner.

(2) The owner of a multiple factory shall not be responsible for any contravention of a provision mentioned in subsection (1) of this section arising from the use in a separate factory of any fencing, appliances, machinery or plant if the use thereof is a matter outside his control, and the occupier of the separate factory shall be responsible for any such contravention.

(3) The owner of a multiple factory shall be responsible, instead of the occupier, for any contravention in rooms occupied by not more than one tenant of the provisions of Part II of this Act with respect to cleanliness, overcrowding, temperature, ventilation and lighting, or the provisions of Part V of this Act with respect to removal of dust or fumes, where the contravention arises from a failure to carry out any necessary structural work or any defect in any machinery, plant or fixtures belonging to him, and shall only be so responsible for any contravention of the provisions of Part III of this Act with respect to safety provisions in case of fire or any regulation made under section 46 of this Act or the provisions of Part IV of this Act or any welfare regulations, where the contravention arises from any such failure or defect as aforesaid.

(4) The provisions of this Act shall, so far as they are applicable and have not been applied by the foregoing provisions of this section, apply to any part of a multiple factory which is not comprised within any of the separate factories as if that part were a factory and the owner were the occupier thereof.

(5) The Minister may by special regulations modify the provisions of this section in their application to any class or description of multiple factory.

Premises where part of building is separate factory.

**82.—**(1) Where a part of a building not being a part of a multiple factory is let off as a separate factory—

(a) the following provisions, that is to say:—

(i) the provisions of Part II of this Act with respect to cleanliness and lighting;

(ii) the provisions of Part III of this Act with respect to prime movers, transmission machinery, hoists and lifts, chains, ropes and lifting tackle, cranes and other lifting machines, the construction and maintenance of floors, passages and stairs, steam boilers, steam receivers and containers, air receivers, powers of the District Court to make orders as to dangerous conditions and practices and powers of the District Court to make orders as to dangerous factories;

1297

shall apply to any part of the building used for the purposes of the factory but not comprised therein, and the owner of the building shall be responsible for any contravention of the said provisions or any order made thereunder;

(b) the owner of the building shall also be responsible, instead of the occupier of the factory, for any contravention as respects the factory of the provisions of Part II of this Act with respect to sanitary conveniences, the provisions of Part III of this Act with respect to hoists and lifts, steam boilers, means of escape in case of fire and safety provisions in case of fire and the provisions of any regulations made under section 46 of this Act;

(c) for the purposes of the said provisions with respect to means of escape in case of fire and safety provisions in case of fire and the provisions of any regulations made under section 46 of this Act, the factory shall be deemed to include any part of the building used for the purpose of the factory;

but the owner shall be responsible for the cleanliness of sanitary conveniences only when used in common by several tenants, and shall be responsible for any contravention of the provisions relating to hoists and lifts, steam boilers, means of escape in case of fire and safety provisions in case of fire and the provisions of any regulations made under section 46 of this Act only in so far as those provisions relate to matters within his control.

(2) For the purpose of the provisions of Part III of this Act with respect to chains, ropes and lifting tackle and cranes and other lifting machines, as applied by subparagraph (ii) of paragraph (a) of subsection (1) of this section, lifting machines attached to the outside of the building, and chains, ropes and lifting tackle used in connection with those machines, shall be treated as being in the building, but any lifting machine not used for the purposes of the factory, and any chains, ropes or lifting tackle not used in connection with a lifting machine so used, shall be disregarded.

(3) For any contravention (whether as respects the factory or otherwise) of the provisions of Part III of this Act with respect to chains, ropes and lifting tackle, cranes and other lifting machines, steam receivers and containers or air receivers, as applied by subparagraph (ii) of paragraph (a) of subsection (1) of this section—

(a) if it is a contravention with respect to any machinery or plant belonging to or supplied by the occupier of the factory, he shall be responsible, and

(b) if it is not, the owner of the building shall be responsible,

so, however, that the owner shall not be responsible for a contravention of the said provisions in so far as they relate to matters outside his control and for any such contravention as respects the factory the occupier shall be responsible.

(4) As respects the provisions of section 50 and section 51 of this Act as they apply in relation to a factory referred to in subsection (1) of this section and as they are applied by subparagraph (ii) of paragraph (a) of that subsection, references in those provisions to the occupier shall be taken as references to the occupier of the factory or the owner of the building, according to which of them is responsible in respect of the matters complained of.

1298

(5) Where this section applies to any provision containing a reference to the general register, then, in relation to matters in respect of which the owner of the building is responsible, that reference shall be taken as a reference to a register to be kept by him, and subsection (3) of section 112 of this Act shall apply in relation to any register kept by the owner in pursuance of this section as if he were the occupier of a factory.

Application of Act to electrical stations.

**83.—(1)** The provisions of this Act shall apply to any premises in which persons are regularly employed in or in connection with the processes or operations of generating, transforming or converting, or of switching, controlling or otherwise regulating, electrical energy for supply by way of trade, or for supply for the purposes of any transport undertaking or other industrial or commercial undertaking or of any public building or public institution, or for supply to streets or other public places, as if the premises were a factory and the employer of any person employed in the premises in or in connection with any such process or operation were the occupier of a factory.

(2) The provisions of this Act hereinafter in this subsection mentioned shall apply to any other premises in which any such processes or operations as aforesaid are carried on or performed for such supply as aforesaid, being premises large enough to admit the entrance of a person after the machinery or plant therein is in position, as if the premises were a factory and the employer of any person employed in the premises in or in connection with any such process or operation were the occupier of a factory, that is to say:—

- (a) the provisions of Part I;
- (b) the provisions of Part V with respect to special regulations for safety and health;
- (c) the provisions of Part VI;
- (d) the provisions of Part X with respect to powers and duties of inspectors and regulations, orders and certificates of the Minister;
- (e) the provisions of Part XI;
- (f) the provisions of Part XII.

(3) The Minister may by special regulations apply any of the provisions of this Act mentioned in subsection (2) of this section to the machinery or plant used elsewhere than in premises mentioned in that subsection or in subsection (1) of this section, being machinery or plant used in the aforesaid processes or operations and for such supply as aforesaid, as if the machinery or plant were machinery or plant in a factory, and the employer of any person employed in connection with any such use of the machinery or plant were the occupier of a factory.

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

1299

(5) For the purposes of the definition in section 3 of this Act of “*factory*”, electrical energy shall not be deemed to be an article, but save as aforesaid nothing in this section shall affect the application of this Act to factories within the meaning of that definition.

Institutions.

**84.—**(1) Where, in any premises forming part of an institution carried on for charitable or reformatory purposes, any manual labour is exercised in or incidental to the making, altering, repairing, ornamenting, finishing, washing, cleaning, or adapting for sale, of articles not intended for the use of the institution, but the premises do not constitute a factory, then, nevertheless, the provisions of this Act shall, subject as hereinafter in this section provided, apply to those premises.

(2) This Act shall not, except in so far as the Minister may by order direct, apply to any premises which do not constitute a factory if the premises are subject to inspection by or under the authority of any Minister of State.

Certain premises  
subject to inspection.

**85.—**(1) Where, in any premises which are subject to inspection by or under the authority of any Minister of State, mechanical power is used and any manual labour is exercised for the purposes of instruction, in or incidental to the making, altering, repairing, ornamenting, finishing, washing, cleaning or adapting for sale, of any article, and the premises do not constitute a factory, the provisions of this Act hereinafter in this subsection mentioned shall apply as if the premises were a factory and the persons having the control of the premises were the occupier of a factory, that is to say:—

- (a) the provisions of Part I;
- (b) the provisions of Part II with respect to lighting;
- (c) the provisions of Part III with respect to prime movers, transmission machinery, other machinery, safety devices, fencing of materials or articles, unfenced machinery, construction and maintenance of fencing and construction of machinery;
- (d) the provisions of Part V with respect to removal of dust or fumes, protection of eyes in certain processes and special regulations for safety and health;
- (e) the provisions of Part X with respect to powers and duties of inspectors and regulations, orders and certificates of the Minister;
- (f) the provisions of Part XI;
- (g) the provisions of Part XII;
- (h) the provisions of Part XIII with respect to special regulations.

(2) The provisions of subsection (1) of this section shall not apply in relation to premises referred to in subsection (1) of section 84 of this Act, but the said provisions shall have effect notwithstanding subsection (3) of that section.

Docks, wharves, quays  
and warehouses.

**86.—**(1) The provisions of this Act hereinafter in this subsection mentioned shall apply to every dock, wharf, or quay (including any warehouse belonging to the owners, trustees or conservators of the dock, wharf or quay and any line or siding used in

1300



connection with and for the purposes of the dock, wharf or quay and not forming part of a railway or tramway) and every other warehouse (not forming part of a factory) in or for the purposes of which mechanical power is used, as if it were a factory, and as if the person having the actual use or occupation of it, or of any premises within it or forming part of it, were the occupier of a factory, that is to say:—

- (a) the provisions of Part I;
  - (b) the provisions of Part II with respect to sanitary conveniences, to such extent as may be specified, and subject to such adaptations and modifications as may be made, by regulations of the Minister;
  - (c) the provisions of Part III with respect to steam boilers (including the provisions as to exceptions as to steam boilers) so, however, that the owner of the boiler shall, instead of the person deemed to be the occupier, be responsible for any contravention of the said provisions;
  - (d) the provisions of Part III with respect to the power of the Minister to require special safety arrangements for the prevention of accidents and to the power of the District Court to make orders as to dangerous conditions and practices;
  - (e) the provisions of Part IV with respect to welfare regulations;
  - (f) the provisions of Part V with respect to special regulations for safety and health;
  - (g) the provisions of Part VI;
  - (h) the provisions of Part VII so, however, that the said provisions shall apply in the case of warehouses only;
  - (i) the provisions of this Part with respect to premises where part of a building is a separate factory, subject to such adaptations and modifications as may be made by regulations of the Minister;
  - (j) the provisions of Part X with respect to appointment and duties of certifying doctors and fees of certifying doctors, subject to such adaptations and modifications as may be made by regulations of the Minister, and the provisions of the said Part X with respect to powers and duties of inspectors and to regulations, orders and certificates of the Minister;
  - (k) the provisions of Part XI;
  - (l) the provisions of Part XIII with respect to the abstract of this Act and notices, special regulations, general registers (so far as applicable), preservation of registers and records, subject to such adaptations and modifications as may be made by regulations of the Minister, and the provisions of the said Part XIII with respect to duties of persons employed and the prohibition of deductions from wages.
- (2) The provisions of this Act mentioned in paragraph (a), in paragraph (c) (subject to the modification mentioned in that paragraph) and in paragraphs (d), (f), (g), (j), (k), and (l) of subsection (1) of this section shall apply to the processes of loading, unloading or

1301

coaling of any ship in any dock, harbour or canal, and to all machinery or plant used in those processes, as if the processes were carried on in a factory and the machinery or plant were machinery or plant in a factory, and the person who carries on those processes were the occupier of a factory, but the provisions of this Act mentioned in the said paragraphs (c) and (d) shall not apply in relation to any such machinery or plant which is on board a ship and is the property of the ship owner.

For the purposes of this subsection, “plant” includes any gangway or ladder used by any person employed to load or unload or coal a ship.

(3) The provisions of Part III of this Act with respect to prime movers, transmission machinery, other machinery, provisions as to unfenced machinery, construction and maintenance of fencing, construction of machinery, cleaning of machinery by women and young persons, training and supervision of young persons working at dangerous machines, hoists and lifts, chains, ropes and lifting tackle, cranes and other lifting machines, construction and maintenance of floors, passages and stairs, and the power of the District Court to make orders as to dangerous factories shall apply to every warehouse mentioned in subsection (1) of this section as if the warehouse were a factory and as if the person having the actual use or occupation thereof were the occupier of a factory.

Ships.

87.—(1) Subject as hereinafter in this section provided, the provisions of this Act hereinafter in this subsection mentioned shall apply to any work carried out in a harbour or wet dock in constructing, reconstructing, repairing, refitting, painting, finishing or breaking up a ship or in scaling, scurfing or cleaning boilers (including combustion chambers and smoke boxes) in a ship, or in cleaning oil-fuel tanks or bilges in a ship, that is to say:—

- (a) the provisions of Part I;
- (b) the provisions of Part IV with respect to welfare regulations;
- (c) the provisions of Part V with respect to special regulations for safety and health;
- (d) the provisions of Part VI;
- (e) the provisions of Part X with respect to powers and duties of inspectors and to regulations, orders and certificates of the Minister;
- (f) the provisions of Part XI;
- (g) the provisions of Part XIII with respect to general registers (so far as applicable), preservation of registers and records, duties of persons employed and the prohibition of deductions from wages;

and for the purpose of such provisions the ship shall be deemed to be a factory, and any person undertaking such work shall be deemed to be the occupier of a factory.

(2) In subsection (1) of this section, the reference to cleaning oil-fuel tanks or bilges in a ship includes a reference to cleaning—

1302

- (a) any tank last used for oil of any description carried as cargo, and
- (b) any tank or hold last used for any substance so carried of a description specified in regulations of the Minister as being of a dangerous, injurious or offensive nature.

(3) Nothing in this Act shall apply to any work referred to in subsection (1) of this section done by the master or crew of a ship or done on board a ship during a trial run.

Building operations.

**88.**—(1) Subject as hereinafter in this section provided, the provisions of this Act hereinafter in this subsection mentioned shall apply to building operations undertaken by way of trade or business, or for the purpose of any industrial or commercial undertaking, and to any line or siding which is used in connection therewith and for the purposes thereof and is not part of a railway or tramway, that is to say:—

- (a) the provisions of Part I;
- (b) the provisions of Part II with respect to sanitary conveniences;
- (c) the provisions of Part III with respect to chains, ropes and lifting tackle and cranes and other lifting machines, steam boilers and air receivers (including the provisions as to exceptions as to steam boilers and air receivers) and the power of the District Court to make orders as to dangerous conditions and practices;
- (d) the provisions of Part IV with respect to welfare regulations;
- (e) the provisions of Part V with respect to lifting excessive weights and special regulations for safety and health;
- (f) the provisions of Part VI;
- (g) the provisions of Part VII, subject to such adaptations and modifications as may be made by regulations of the Minister;
- (h) the provisions of Part X with respect to powers and duties of inspectors and sanitary authorities and to regulations, orders and certificates of the Minister;
- (i) the provisions of Part XI;
- (j) the provisions of Part XII;
- (k) the provisions of Part XIII with respect to the abstract of this Act and notices, special regulations, general registers (so far as applicable), preservation of registers and records, duties of persons employed and the prohibition of deductions from wages.

(2) The provisions of this Act in their application to building operations shall have effect as if any place where such operations are carried on were a factory, and any person undertaking any such operations to which this Act applies were the occupier of a

1303

factory, and with such other adaptations and modifications as may be made by regulations made by the Minister, but such of the provisions of this Act as require general registers to be kept and copies of the prescribed abstract of this Act and of special regulations or the prescribed abstract of such regulations to be kept posted up on the premises shall be deemed to be complied with as respects building operations if the general register is kept at an office of the person undertaking the building operations and copies of the abstract of this Act and of the regulations or abstract thereof are kept posted up at each office, yard or shop of the person undertaking the operations at which persons employed by him on the operations attend, and in a position where they can easily be read by such persons.

(3) The application of this Act to any building operations by virtue of this section shall not be excluded by reason of the fact that they are undertaken on premises to which this Act applies apart from this section nor be taken as prejudicing the application of this Act to those premises apart from this section.

(4) Any person undertaking any such building operations to which this Act applies as may be declared by regulations of the Minister to require notice under this subsection, shall, not later than seven days after the beginning of the operations, serve on the Minister a written notice stating the name and postal address of the person so undertaking the operations, the place and nature of the operations, and whether any mechanical power is or is to be used and, if so, its nature.

Works of engineering construction.

**89.**—(1) Subject as hereinafter in this section provided, the provisions of this Act hereinafter in this subsection mentioned shall apply to works of engineering construction undertaken by way of trade or business, or for the purpose of any industrial or commercial undertaking, and to any line or siding which is used in connection therewith and for the purpose thereof and is not part of a railway or tramway, that is to say:—

- (a) the provisions of Part I;
- (b) the provisions of Part II with respect to sanitary conveniences;
- (c) the provisions of Part III with respect to chains, ropes and lifting tackle and cranes and other lifting machines, steam boilers and air receivers (including the provisions as to exceptions as to steam boilers and air receivers) and the power of the District Court to make orders as to dangerous conditions and practices;
- (d) the provisions of Part IV with respect to welfare regulations;
- (e) the provisions of Part V with respect to lifting excessive weights and special regulations for safety and health;
- (f) the provisions of Part VI;
- (g) the provisions of Part VII, subject to such adaptations and modifications as may be made by regulations of the Minister;
- (h) the provisions of Part X with respect to powers and duties of inspectors and sanitary authorities and to regulations, orders and certificates of the Minister;

1304

(i) the provisions of Part XI;

(j) the provisions of Part XII;

(k) the provisions of Part XIII with respect to the abstract of this Act and notices, special regulations, general registers (so far as applicable), preservation of registers and records, duties of persons employed and the prohibition of deductions from wages.

(2) The provisions of this Act in their application to works of engineering construction shall have effect as if any place where such works are carried on were a factory, and any person undertaking any such works to which this Act applies were the occupier of a factory, and with such other adaptations and modifications as may be made by regulations made by the Minister, but such of the provisions of this Act as require general registers to be kept and copies of the prescribed abstract of this Act and of special regulations or the prescribed abstract of such regulations to be kept posted up on the premises shall be deemed to be complied with as respects works of engineering construction if the general register is kept at an office of the person undertaking the works and copies of the abstract of this Act and of the regulations or abstract thereof are kept posted up at each office, yard or shop of the person undertaking the works at which persons employed by him on the works attend, and in a position where they can easily be read by such persons.

(3) The application of this Act to any works of engineering construction by virtue of this section shall not be excluded by reason of the fact that they are undertaken on premises to which this Act applies apart from this section nor be taken as prejudicing the application of this Act to those premises apart from this section.

(4) Any person undertaking any such works of engineering construction to which this Act applies as may be declared by regulations of the Minister to require notice under this subsection shall, not later than seven days after the beginning of the works, serve on the Minister a written notice stating the name and postal address of the person so undertaking the works, the place and nature of the works, and whether any mechanical power is or is to be used and, if so, its nature.

Employment of women and young persons in places other than factories in processes connected with lead manufacture or involving the use of lead compounds.

90.—The following provisions of this Act, that is to say:—

(a) the provisions relating to the employment of women and young persons in certain processes connected with lead manufacture and in processes involving the use of lead compounds;

(b) the provisions requiring notification to be sent to the Minister of lead poisoning contracted or occurring in factories;

(c) any provision relating to powers and duties of inspectors and to offences, penalties and legal proceedings;

1305

shall apply to employment in any such processes as aforesaid in any place other than a factory, as if the place were a factory and the employer were the occupier of the factory.

## PART IX.

### Home Work.

Lists of outworkers to be kept in certain trades.

**91.—(1)** In the case of persons employed in such classes of work as may from time to time be specified by regulations of the Minister, the occupier of every factory and every contractor employed by any such occupier in the business of the factory shall—

- (a) keep in the prescribed form and manner, and with the prescribed particulars, lists showing the names and addresses of all persons (hereinafter referred to as out workers) directly employed by him, either as workmen or as contractors, in the business of the factory, outside the factory, and of the places where they are employed,
- (b) send to an inspector such copies of or extracts from those lists as the inspector may from time to time require,
- (c) send to the sanitary authority during the month of February and the month of August in each year copies of those lists, showing all outworkers so employed by him during the preceding six months.

(2) Every sanitary authority shall cause the lists received by the authority in pursuance of this section to be examined, and shall furnish the name and place of employment of every outworker included in any such list whose place of employment is outside the district of the sanitary authority to the sanitary authority in whose district his place of employment is.

(3) The lists kept by the occupier or contractor shall be open to inspection by any inspector, and by any health inspector or other officer duly authorised by the sanitary authority, and the copies sent to the sanitary authority and the particulars furnished by one sanitary authority to another shall be open to inspection by any inspector or officer of any Minister of State.

(4) This section shall apply to any place from which any work is given out in connection with the business of a factory (whether the materials for the work are supplied by the occupier or not), and to the occupier of that place, and to every contractor employed by the occupier in connection with the said work, as if that place were a factory.

(5) In the event of a contravention of this section by the occupier of a factory or place, or by a contractor, the occupier or contractor shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds.

Employment of person in unwholesome premises.

**92.—(1)** Where work in respect of which this section applies is carried on for the purpose of or in connection with the business of a factory in any place which is in the opinion of the sanitary authority injurious or dangerous to the health of the persons employed therein, the sanitary authority may give notice in writing to the occupier of the factory or to any contractor employed by him setting forth particulars of the respects in

1306

which the place is, in their opinion, so injurious or dangerous, and the reasons for that opinion and, if the occupier or contractor after the expiration of ten days from the receipt of such notice gives out work to be done in that place, he shall, unless it is proved to the satisfaction of the court dealing with the case that the place is not injurious or dangerous in the respects set forth in the notice, be guilty of an offence under this section.

(2) For the purpose of this section any place from which work is given out shall be deemed to be a factory.

(3) This section shall apply in respect of such classes of work as may be specified in regulations made by the Minister.

## PART X.

### Administration.

#### Inspectors.

**93.**—(1) The Minister may authorise any of his officers to act as inspectors for the purposes of this Act.

(2) Notice of an authorisation under this section shall be published in the *Iris Oifigiúil*.

(3) Such annual report of the proceedings of the inspectors as the Minister directs shall be laid before each House of the Oireachtas.

#### Powers of Inspectors.

**94.**—(1) An inspector shall, for the purposes of the execution of this Act, have power to do all or any of the following things, that is to say—

- (a) to enter, inspect and examine at all reasonable times, by day and night, a factory, and every part thereof, when he has reasonable cause to believe that any person is employed therein, and to enter by day any place which he has reasonable cause to believe to be a factory and any part of any building of which a factory forms part and in which he has reasonable cause to believe that explosive or highly inflammable materials are stored or used;
- (b) to take with him a member of the Garda Síochána if he has reasonable cause to apprehend any serious obstruction in the execution of his duty;
- (c) to require the production of the registers, certificates, notices and documents, kept in pursuance of this Act, and to inspect, examine and copy any of them;
- (d) to make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act and the enactments for the time being in force relating to public health are complied with, so far as respects a factory and any persons employed in a factory;
- (e) to require any person whom he finds in a factory to give such information as it is in his power to give as to who is the occupier of the factory;

1307

(f) to examine, either alone or in the presence of any other person, as he thinks fit, with respect to matters under this Act, every person whom he finds in a factory, or whom he has reasonable cause to believe to be or to have been within the preceding two months employed in a factory, and to require every such person to be so examined and to sign a declaration of the truth of the matters respecting which he is so examined;

(g) to exercise such other powers as may be necessary for carrying this Act into effect.

(2) No one shall be required by virtue of paragraph (f) of subsection (1) of this section to answer any question or to give any evidence tending to criminate himself.

(3) The occupier of every factory, his agents and servants, shall furnish the means required by an inspector as necessary for any entry, inspection, examination, inquiry, taking of samples or other power under this Act, in relation to that factory.

(4) If any person wilfully delays an inspector in the exercise of any power under this section, or fails to comply with the requisition of an inspector in pursuance of this section, or to produce any register, certificate, notice or document which he is required by or in pursuance of this Act to produce, or wilfully withholds any information as to who is the occupier of any factory, or conceals or prevents, or attempts to conceal or prevent, a person from appearing before or being examined by an inspector, that person shall be deemed to obstruct an inspector in the execution of his duties under this Act.

(5) Where an inspector is obstructed in the execution of his powers or duties under this Act—

(a) if the obstruction is in a factory, the occupier, and, if the person obstructing the inspector is not the occupier, also the person obstructing the inspector, shall be guilty of an offence under this section,

(b) in any other case, the person obstructing the inspector shall be guilty of an offence under this section.

Certificate of  
authorisation to act as  
inspector.

**95.**—Every inspector shall be furnished with a certificate of his authorisation to act as an inspector, and when visiting a factory or place to which any of the provisions of this Act apply, shall, if so required, produce the said certificate to the occupier or any other person holding a responsible position of management at the factory or place.

Appointment and duties  
of certifying doctors.

**96.**—(1) The Minister may appoint registered medical practitioners to be certifying doctors for any of the purposes of this Act, and may revoke any such appointment.

(2) A registered medical practitioner who is the occupier of a factory, or is directly or indirectly interested therein, or in any process or business carried on therein, or in a patent connected therewith, shall not act as certifying doctor for the factory.

(3) The certifying doctor for a factory shall have power at all reasonable times to inspect the general register of the factory.

(4) The Minister may make rules regulating the duties of certifying doctors.

1308



(5) A certifying doctor shall, if so directed by the Minister, make such special inquiry and examination of employed persons as may be directed.

(6) Every certifying doctor shall in each year make at the time appointed by the Minister a report in the prescribed form to the Minister as to examinations made and other duties performed by him in pursuance of this Act.

(7) If and so long as there is no certifying doctor for a factory, a district medical officer for the dispensary district in which the factory is situate shall act as the certifying doctor for the factory.

(8) References in the Workmen's Compensation Act, 1934 (No. 9 of 1934), to a certifying surgeon shall be construed as references to a certifying doctor appointed under this section, and references to the certifying surgeon for the district in which the workman is employed, shall in a case where a workman is employed in a district for which no certifying doctor is appointed, be construed as references to the medical practitioner (if any) appointed by the Minister to have the powers and duties of a certifying surgeon under Part X of the Workmen's Compensation Act, 1934, in such a case or, if no such appointment has been made, to the medical officer for the dispensary district in which the workman is employed.

(9) The Civil Service Regulation Acts, 1924 and 1926, shall not apply to the office of certifying doctor.

Fees of certifying doctors.

**97.**—The fees to be paid to certifying doctors for carrying out their duties under this Act shall, so far as they relate to any examination or certificate with respect to the fitness of a young person for employment in a factory or to any examination or medical supervision of persons employed in a factory carried out in pursuance of regulations or an order under this Act, be paid by the occupier of that factory, and in any other case shall be paid by the Minister, and the fees shall be of such amounts as may be prescribed, but without prejudice to any agreement between a certifying doctor and the occupier of a factory for the payment by the occupier of fees of greater amounts than those prescribed.

Provisions as to sanitary authorities.

**98.**—(1) The expenses of a sanitary authority under this Act shall be raised and defrayed in like manner as their expenses under the Local Government (Sanitary Services) Acts, 1878 to 1948, are raised and defrayed.

(2) A medical officer of health, a health inspector or an officer of a sanitary authority appointed for the purpose of inspection of factories shall give written notice to the Minister of any factory coming to his knowledge in which no abstract of this Act is affixed in accordance with this Act.

(3) For the purpose of their duties under this Act, a sanitary authority and their officers and medical officers of health and health inspectors shall, without prejudice to their other powers, have all such powers (including, in particular, powers of entry and inspection) as an inspector has, and accordingly in relation to their said duties the provisions of this Act as to furnishing means required by an inspector, and delaying or obstructing an inspector, shall be construed as including references to such officers.

(4) No power of entry or inspection shall be exercised by virtue of subsection (3) of this section except by officers of a sanitary authority, medical officers of health and health inspectors authorised by the sanitary authority in writing in that behalf, either

1309

generally or specially, and any such officer shall, if so required, produce his authority to the occupier or any other person holding a responsible position of management at the factory.

(5) If any person who, in pursuance of powers conferred by subsection (3) of this section, is admitted into a factory or place discloses to any person any information obtained by him in the factory or place with regard to any manufacturing process or trade secret, he shall, unless such disclosure was made in the performance of his duty, be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds or, at the discretion of the court, to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

Provisions as to regulations, orders and certificates of the Minister.

**99.**—(1) Every regulation made by the Minister under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the resolution is passed by either House, within the next twenty-one days on which that House has sat after the regulation has been laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

(2) The provisions contained in the Third Schedule to this Act shall apply to regulations which are referred to in this Act as special regulations.

(3) Any regulations or order made by the Minister under this Act may be made for a limited period or without limit of period and may be made subject to such conditions as he thinks fit, and may contain such supplemental and consequential provisions as he considers necessary for giving full effect to the regulations or order and may, except as otherwise expressly provided in this Act, be varied or revoked by subsequent regulations or by a subsequent order made in like manner as the original regulations or order.

(4) Any certificate issued by the Minister under this Act may be issued for a limited period or without limit of period and may be varied or revoked by the Minister.

## PART XI.

### Offences, Penalties and Legal Proceedings.

Offences generally.

**100.**—(1) In the event of a contravention in or in connection with or in relation to a factory of any provision of this Act or any regulation or order made thereunder, the occupier, or (if the contravention is one in respect of which the owner is by or under this Act made responsible) the owner of the factory shall, subject as hereinafter in this Act provided, be guilty of an offence under this section.

(2) In the event of a contravention by an employed person of section 125 of this Act or of a contravention by any person of any regulation or order made under this Act which expressly imposes any duty upon him, that person shall be guilty of an offence under this section and the occupier or owner, as the case may be, shall not be guilty of an offence by reason only of the contravention of the said section 125, or the contravention of the said regulation or order, as the case may be, unless it is proved that he failed to take all reasonable steps to prevent the contravention, but this subsection shall not be taken as affecting any liability of the occupier or owner in respect of the same matters by virtue of some provision other than the said section 125 or the said regulation or order.

1310

(3) If the occupier of a factory avails himself of any special exception allowed by or under this Act and fails to comply with any of the conditions attached to the exception, he shall be deemed to have contravened the relevant provision of this Act or a regulation or order thereunder.

(4) If any persons are employed in a factory otherwise than in accordance with this Act or any regulation or order made thereunder, there shall be deemed to be a separate contravention in respect of each person so employed.

(5) Where an offence under this Act committed by a company is proved to have been committed with the consent or connivance of, or to have been facilitated by any neglect on the part of, any director, manager, secretary or other officer of the company, he, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Fines for offences for which no express penalty provided.

**101.**—Subject as hereinafter in this Act provided, any person guilty of an offence under this Act for which no express penalty is provided by this Act shall be liable on summary conviction thereof to a fine not exceeding twenty pounds, and, if the contravention in respect of which he was so convicted is continued after the conviction, he shall (subject to section 102 of this Act) be guilty of a further offence and liable on summary conviction thereof to a fine not exceeding five pounds for each day on which the contravention was so continued.

Power of court to order cause of contravention to be remedied.

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

Offence in case of death or injury.

**103.**—(1) If any person is killed, dies or suffers any bodily injury, in consequence of the occupier or owner of a factory having contravened any provision of this Act or any regulation or order made thereunder, the occupier or owner shall, without prejudice to any other offence, be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding two hundred pounds, but—

(a) the occupier or owner shall not be guilty of an offence under this section if a prosecution against him under this Act, in respect of the act or default by which the death or injury was caused, has been heard and dismissed before the death or injury occurred,

(b) in the case of injury to health, the occupier or owner shall not be guilty of an offence under this section unless the injury was caused directly by the contravention.

(2) The whole or any part of a fine in respect of an offence under this section may be applied as the court determines and, in particular, the court may determine that the whole or any part of the fine shall be applied, in the case of a death, for the benefit of

1311

the family of the deceased or, in the case of an injury, for the benefit of the injured person or his family, but no such application shall operate to prevent the maintenance of any civil proceedings in relation to the death or injury.

Offence by parent.

**104.**—If a young person is employed in a factory in contravention of any provision of this Act, the parent of the young person shall, unless he shows that the contravention occurred without his consent, connivance or wilful default, be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding two pounds.

Forgery of certificates, etc.

**105.**—If any person—

- (a) forges or counterfeits any certificate required by, under or for the purposes of this Act or any order or regulation made thereunder,
- (b) gives or signs any such certificate knowing it to be false in any material particular,
- (c) knowingly utters or makes use of any such certificate so forged, counterfeited or false as aforesaid,
- (d) knowingly utters or makes use of as applying to any person any such certificate which does not so apply,
- (e) personates any person named in any such certificate,
- (f) falsely pretends to be an inspector,
- (g) wilfully connives at any such forging, counterfeiting, giving, signing, uttering, making use, personating or pretending as aforesaid,
- (h) wilfully makes a false entry in any register, notice, certificate or document required by, under or for the purposes of this Act or any order or regulation made thereunder to be kept or served or sent,
- (i) wilfully makes or signs a false declaration required by, under or for the purpose of this Act or any order or regulation made thereunder,
- (j) knowingly makes use of any such false entry or declaration as aforesaid,

he shall, without prejudice to any other offence, be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding forty pounds or, at the discretion of the court, to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

Offence by person actually committing offence for which occupier or owner is liable.

**106.**—Where an act or default for which an occupier or owner is liable under this Act is in fact the act or default of some agent, servant, worker or other person, that agent, servant, worker or other person shall be guilty of an offence under this section and shall be liable on summary conviction to the like fine as if he were the occupier or owner, as the case may be.

1312

Exemption of occupier or owner in certain cases.

**107.**—(1) Where the occupier or owner of a factory is charged with an offence under this Act, he shall be entitled, upon information duly laid by him and on giving to the prosecution not less than three days' notice in writing of his intention, to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge.

(2) The persons whom the occupier or owner of a factory is entitled under subsection (1) of this section to have brought before the court as the actual offender include any person whatsoever whom he charges as the actual offender, whether or not that person is his agent or servant.

(3) If, in a case to which subsection (1) of this section applies, the commission of the offence is proved and the owner or occupier proves to the satisfaction of the court—

(a) that he has used all diligence to enforce the execution of the relevant provision of this Act or a regulation or order made thereunder, and

(b) that the other person whom he charges as the actual offender committed the offence without his consent, connivance or wilful default,

that other person shall be summarily convicted of the offence, and the occupier or owner shall not be guilty of the offence, and the person so convicted shall, in the discretion of the court, be also liable to pay any costs incidental to the proceedings.

(4) The prosecution shall, in any case to which subsection (1) of this section applies, have the right to cross-examine the occupier or owner if he gives evidence and any witnesses called by him in support of his charge, and to adduce rebutting evidence.

(5) When it is made to appear to the satisfaction of an inspector at the time of discovering an offence under this Act—

(a) that the occupier or owner (as the case may be) of the factory has used all due diligence to enforce the execution of the relevant provision of this Act or a regulation or order made thereunder,

(b) by what person the offence has been committed, and

(c) that it has been committed without the consent, connivance or wilful default of the occupier or owner and in contravention of his orders,

proceedings shall be taken against the person whom the inspector believes to be the actual offender without first proceeding against the occupier or owner.

Proceedings against persons other than occupiers or owners.

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

**109.**—Where in a factory the owner or hirer of a machine or implement moved by mechanical power is some person other than the occupier of the factory, the owner or

1313

Owner of machine liable in certain cases instead of occupier.      hirer shall, so far as respects any offence under this Act committed in relation to a person who is employed in or about or in connection with that machine or implement, and is in the employment or pay of the owner or hirer, be deemed to be the occupier of the factory.

Prosecution of offences, etc.

**110.—**(1) Any offence under this Act may be prosecuted by the Minister.

(2) Where an offence under this Act consists of a contravention of a provision which is to be enforced by a sanitary authority, the offence may be prosecuted by the sanitary authority.

(3) It shall be sufficient in a summons in respect of an offence under this Act to allege that the factory is a factory within the meaning of this Act and to state the name of the ostensible occupier of the factory or, where the occupier is a firm, the name of the firm.

(4) Where, with respect to or in consequence of any accident in a factory, a report is made by the tribunal or court appointed to hold a formal investigation under this Act or under the Boiler Explosions Acts, 1882 and 1890, or a coroner's inquest is held, and it appears from the report, or from the proceedings at the inquest, that any of the provisions of this Act or any regulation or order made thereunder was not complied with at or before the time of the accident, summary proceedings against any person liable to be proceeded against in respect of such non-compliance may be commenced at any time within three months after the making of the report or the conclusion of the inquest.

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

Appeals from orders made on complaint.

**111.—**Any person aggrieved by an order made by the District Court on determining a complaint under this Act may appeal therefrom to the judge of the Circuit Court within whose circuit is situate the courthouse in which the decision of the District Court was given, and the decision of the judge of the Circuit Court on any such appeal shall be final and conclusive and not appealable.

Special provisions as to evidence.

**112.—**(1) If a person is found in a factory (not being a factory in which the only persons employed are members of the same family dwelling there) at any time at which work is going on or the machinery is in motion, except during the intervals for meals or rest, he shall, until the contrary is proved, be deemed for the purposes of this Act to have been then employed in the factory.

(2) Where, in any proceedings under this Act with respect to a person alleged to be a young person, the court considers that such person is apparently less than eighteen and more than fourteen years of age, it shall lie on the defendant to prove that such person is not a young person.

(3) Where any entry is required by this Act or any regulation or order made thereunder to be made in the general register or in any other register or record, the entry made by the occupier of a factory or on his behalf shall, as against him, be admissible as evidence of the facts therein stated, and the fact that any entry so required with respect to the observance of any provision of this Act or any regulation or order made

1314

thereunder has not been made, shall be admissible as evidence that the provision has not been observed.

Service and sending of documents.

**113.—**(1) Any document (including any summons or order) required or authorised to be served or sent under this Act on or to any person may be served or sent—

(a) by delivering it to such person or, in the case of a partnership, to any of the partners, or by leaving it at, or posting it to, the residence of such person,

(b) in the case of the owner or occupier of a factory, in any such manner as aforesaid or by delivering it, or a true copy thereof, to any person apparently not under the age of sixteen years at the factory.

(2) Any document referred to in subsection (1) of this section may be addressed, for the purpose of the service or sending thereof under this Act on or to the occupier of a factory, to “*the occupier*” at the proper postal address of the factory, without further name or description.

(3) For the purposes of this section, a company registered under the Companies Acts, 1908 to 1924, shall be deemed to reside at its registered office, and every other body corporate and every unincorporated body shall be deemed to reside at its principal office or place of business in the State.

Certificates of birth.

**114.—**(1) Where the age of any person is required to be ascertained or proved for the purposes of this Act, any person shall, on presenting a written requisition in such form and containing such particulars as may be directed by the Minister for Health and on payment of the appointed fee, be entitled to obtain a certified copy of the entry of the birth of that person in the register of births under the hand of the registrar or superintendent registrar or other person having the custody thereof, and forms for such requisition shall on request be supplied without any charge by every registrar of births and by every superintendent registrar or other person having the custody of the register.

(2) The Minister for Health may, with the consent of the Minister and the Minister for Finance, by regulations appoint fees for the purposes of this section.

Power of Circuit Court to modify agreements.

**115.—**If, by reason of an agreement between the owner and the occupier of premises the whole or any part of which has been let as a factory, the said owner or occupier is prevented from carrying out any structural or other alterations in the premises which are necessary to enable him to comply with any provisions of this Act or any regulation or order made thereunder or in order to conform with any standard or requirement imposed by or under this Act, he may apply to the Circuit Court for an order under this section and the Court, after hearing the parties and any witnesses whom they desire to call, may make such an order setting aside or modifying the terms of the agreement as the Court considers just and equitable in the circumstances of the case.

Power of Circuit Court to apportion expenses.

**116.—**Where, in any premises the whole or any part of which has been let as a factory, any structural or other alterations are required in order to comply with any provision of this Act or any regulation or order made thereunder or in order to conform with any standard or requirement imposed by or under this Act and the owner or occupier (as the case may be) alleges that the whole or any part of the expenses of the alterations ought to be borne by the occupier or owner, the owner or occupier may apply to the Circuit Court for an order under this section and the Court, after hearing the parties and any witnesses whom they desire to call, may make such an order concerning

1315

the expenses or their apportionment as the Court considers just and equitable in the circumstances of the case, regard being had to the terms of any contract between the parties, or in the alternative the Court may at the request of the owner or occupier determine the lease.

## PART XII.

### Application of Act.

**General application of Act.** **117.**—Save as in this Act otherwise expressly provided, this Act shall apply only to factories, as defined by this Act, but shall, except where the contrary intention appears, apply to all such factories.

**Application to factories belonging to the State.** **118.**—(1) This Act applies to factories belonging to or in the occupation of the State and to building operations and works of engineering construction undertaken by or on behalf of the State but, in case of any public emergency, the Minister may, by order, to the extent and during the period named in the order exempt from this Act any factory, belonging to the State or any building operations or works of engineering construction undertaken by or on behalf of the State, or any factory in respect of work which is being done on behalf of the State.

(2) The powers conferred by this Act on a sanitary authority shall, in the case of a factory belonging to or in the occupation of the State, or building operations or works of engineering construction undertaken by or on behalf of the State, be exercised by an inspector under this Act, and any notice required by this Act to be sent to a sanitary authority shall in any such case be sent to the Minister.

## PART XIII.

### Miscellaneous.

**Notice of occupation of factory, and use of mechanical power.** **119.**—(1) A person shall, within one month after he begins to occupy, or to use any premises as, a factory, serve on the Minister a written notice stating the name of the occupier or the title of the firm, the postal address of the factory, the nature of the work, whether mechanical power is used and, if so, its nature, the name of the sanitary authority within whose district the factory is situated and such other particulars as may be prescribed, and if he fails to do so, he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds or one pound for each day since the expiration of the month aforesaid, whichever is the greater.

(2) Within one month of the date upon which mechanical power is, after the commencement of this Act, first used in any factory, the occupier shall serve on the Minister a written notice stating the nature of such mechanical power.

**Posting of abstract of Act and notices.** **120.**—(1) There shall be kept posted at the principal entrances of a factory at which employed persons enter—

(a) the prescribed abstract of this Act,

(b) a notice of the name of the certifying doctor for the factory,

1316



(c) every notice and document required by this Act to be posted in the factory,

but, where an inspector directs that all or any of the aforesaid documents shall be posted in particular parts of the factory, either in addition to or in substitution for the said principal entrances, his direction shall be complied with.

(2) All the documents referred to in subsection (1) of this section shall be posted in such characters and in such positions as to be conveniently read by the persons employed in the factory and, if a form has been prescribed for any document, it shall be posted in that form.

(3) If any person wilfully pulls down, injures or defaces any abstract, notice, regulations or other document, posted in pursuance of this Act, he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds.

Posting and giving copies of special regulations.

**121.**—Printed copies of all special regulations for the time being in force in any factory or the prescribed abstract of such regulations shall be kept posted in the factory in such characters and in such positions as to be conveniently read by the persons employed in the factory.

General registers.

**122.**—(1) There shall be kept in every factory, or in such place outside the factory as may be approved by an inspector, a register, in the prescribed form, called the general register, and there shall be entered in or attached to that register—

(a) the prescribed particulars as to the young persons employed in the factory,

(b) the prescribed particulars as to the washing, whitewashing or colour washing, painting or varnishing, of the factory,

(c) the prescribed particulars as to every accident and case of industrial disease occurring in the factory of which notice is required to be sent to the Minister,

(d) particulars showing every special exception of which the occupier of the factory avails himself,

(e) all reports and particulars required by any other provision of this Act to be entered in or attached to the general register,

(f) such other matters as may be prescribed.

(2) There shall be attached to the general register a copy of the certificate of the sanitary authority relating to means of escape in the case of fire.

(3) The occupier of a factory shall send to an inspector such extracts from the general register as the inspector may from time to time require for the purpose of the execution of his duties under this Act.

Preservation of registers and records.

**123.**—The general register and every other register or record kept in pursuance of this Act shall be preserved and shall be kept available for inspection by any inspector or by

1317

the certifying doctor for at least two years, or such other period as may be prescribed for any class or description of register or record, after the date of the last entry in the register or record.

Periodical return of persons employed.

**124.**—(1) The occupier of every factory shall, on or before such days as may be prescribed, send to the Minister a correct return specifying, with respect to such day or days, or such period, as may be prescribed, the number of persons employed in the factory, and giving such particulars as may be prescribed, as to the hours of employment of women and young persons employed, as to the age, sex and occupation of all persons employed and as to such other matters, if any, as may be prescribed.

(2) The occupier of any place to which any of the provisions of this Act apply shall, if so required by the Minister, make the like returns as are required by subsection (1) of this section and, in case of any default in so doing, shall be guilty of an offence under this section.

Duties of persons employed.

**125.**—(1) A person employed in a factory or in any other place to which any provisions of this Act apply shall not wilfully interfere with or misuse any means, appliance, convenience or other thing provided in pursuance of this Act for securing the health, safety or welfare of the persons employed in the factory or place, and where any means or appliance for securing health or safety is provided for the use of any such person under this Act, he shall use the means or appliance.

(2) A person employed in a factory or in any other place to which any provisions of this Act apply shall not wilfully and without reasonable cause do anything likely to endanger himself or others.

Prohibition of deductions from wages.

**126.**—Save as otherwise expressly provided under this Act, the occupier of a factory shall not in respect of anything to be done or provided by him in pursuance of this Act, make any deduction from the sum contracted to be paid by him to any person employed or receive or allow any person in his employment to receive any payment from any such person.

Advisory Council.

**127.**—(1) There shall be a council consisting of a chairman and eight ordinary members (in this section referred to as the Advisory Council) to perform the functions assigned to it by this section.

(2) The Advisory Council shall consider, and advise the Minister on, any matters arising on or in relation to the execution of this Act (including any proposals by the Minister to make, amend or revoke any orders or regulations under this Act) which the Minister may refer to the Council.

(3) The Advisory Council may, as they consider necessary from time to time, advise the Minister on:—

- (a) the desirability of making, amending or revoking any orders or regulations under this Act;
- (b) matters relating to the enforcement of the provisions of this Act or of orders or regulations made under this Act;

1318

(c) the organisation or promotion of safety and welfare campaigns among employees and employers;

(d) the organisation of lectures, film shows or exhibitions, the publication of posters or pamphlets or any other measures, being lectures, film shows, exhibitions, posters, pamphlets or measures designed to educate employees and employers on questions of safety and welfare in factories and on methods of safeguarding and improving the health of workers.

(4) The chairman and the ordinary members of the Advisory Council shall be appointed by the Minister.

(5) The first such appointment shall be made as soon as conveniently may be after the passing of this Act and subsequent appointments shall be made from time to time as occasion requires.

(6) In appointing persons to be ordinary members of the Advisory Council, the Minister shall include persons representative of organisations of employees and of organisations of employers.

(7) The chairman and the ordinary members of the Advisory Council shall hold office for such period as the Minister may decide.

(8) On the request of the Advisory Council and subject to the consent of the Minister, an inspector may attend a meeting of the Advisory Council for the purpose of giving any information which the Advisory Council may request for the purposes of discharging its functions.

Provisions as to  
quarries and pit banks.

**128.**—(1) The provisions of the Quarries Act, 1894, shall apply to all quarries of whatever depth, but for the purposes of that Act the word “quarry” shall not include any place in which any manufacturing process (other than a process ancillary to the getting of minerals, including the breaking, crushing, grinding, screening, washing or dressing of such minerals) is carried on.

(2) The provisions of section 19 of the Mining Industry Act, 1920 (which empowers the Minister to make general and special regulations with respect to metalliferous mines) shall apply to quarries as they apply to metalliferous mines, but with this modification, that for the reference in that section to the general rules contained in section 23 of the Metalliferous Mines Regulation Act, 1872, there shall be substituted a reference to the provisions of that Act which apply to quarries.

#### FIRST SCHEDULE.

#### Enactments Repealed.

#### Section 7.

Session and Chapter	Short Title	Extent of Repeal
41 & 42 Vic., c. 52.	Public Health (Ireland) Act, 1878.	Sections 48 and 107 so far as they relate to factories within the meaning of this Act.

1319

53 & 54 Vic., c. 59.	Public Health Acts Amendment Act, 1890.	Section 22 so far as it relates to factories within the meaning of this Act.
57 & 58 Vic., c. 42.	Quarries Act, 1894.	In section 1, the words "and any part of which is more than twenty feet deep";  Section 3.
1 Edw. VII, c. 22.	Factory and Workshop Act, 1901.	The whole Act.
6 Edw. VII, c. 49.	Census of Production Act, 1906.	Section 10.
6 Edw. VII, c. 33.	Notice of Accidents Act, 1906.	Section 4;  Section 5 so far as it relates to factories and workshops.
7 Edw. VII, c. 39.	Factory and Workshop Act, 1907.	The whole Act.
8 Edw. VII, c. 42.	White Phosphorus Matches Prohibition Act, 1908.	Section 1.
1 & 2 Geo. V, c. 21.	Factory and Workshop (Cotton Cloth Factories) Act, 1911.	The whole Act.
6 & 7 Geo. V, c. 31.	Police, Factories, &c. (Miscellaneous Provisions) Act, 1916.	Sections 7, 8 and 9.
10 & 11 Geo. V, c. 62.	Women and Young Persons (Employment in Lead Processes) Act, 1920.	The whole Act.

SECOND SCHEDULE.

Table of Humidity.

Section 63 .

I.	II.
Dry Bulb Thermometer Readings. Degrees Fahrenheit.	Wet Bulb Thermometer Readings. Degrees Fahrenheit.
50	48
51	49
52	50
53	51
54	52

1320

55	53
56	54
57	55
58	56
59	57
60	58
61	59
62	60
63	61
64	62
65	63
66	64
67	65
68	66
69	67
70	68
71	68-5
72	69
73	70
74	70-5
75	71-5

1321

76	72
77	73
78	73-5
79	74-5
80	75-5
81	76
82	76-5
83	77-5
84	78
85	79
86	80

### THIRD SCHEDULE

#### Procedure for making Special Regulations.

##### Section 99 .

1. Before the Minister makes any special regulations, he shall publish in the *Iris Oifigiúil*, and in such other manner as he may think best adapted for informing persons affected, notice of the proposal to make the regulations, and of the place where copies of the draft regulations may be obtained, and of the time (which shall be not less than twenty-one days) within which any objection made with respect to the draft regulations by or on behalf of persons affected must be sent to the Minister.

2. Every objection must be in writing and state—

(a) the specific grounds of objection,

(b) the omissions, additions, or modifications asked for.

3. The Minister shall consider any objection made by or on behalf of any persons appearing to him to be affected which is sent to him within the required time, and he may, if he thinks fit, amend the draft regulations and, after doing so, he shall, unless an

1322

inquiry has been held under this Schedule, cause the amended draft to be dealt with in like manner as an original draft.

4. If after the publication of the notice with respect to any draft regulations (whether an original or amended draft) any general objection as hereinafter defined is made within the required time with respect to the draft and not withdrawn, then, unless a previous inquiry under this Schedule has been held with respect to the draft or some previous draft of the regulations or the Minister withdraws the draft regulations, he shall before making the regulations direct an inquiry to be held in the manner hereinafter provided. The Minister may, if he thinks fit, also direct such an inquiry to be held in regard to any objection, notwithstanding that no such general objection has been made or that such a previous inquiry has been held as aforesaid.

5. Where any such inquiry is to be held as to any draft regulations, the following provisions shall have effect with respect to the inquiry:

- (a) the Minister shall appoint a competent person or competent persons to hold the inquiry, and to report to him thereon,
- (b) the inquiry shall be held in public, and any inspector and any objector and any other person who, in the opinion of the person holding the inquiry or, if there is more than one such person, of the person presiding over the inquiry, is affected by the draft regulations, may appear at the inquiry either in person or by counsel, solicitor, or agent,
- (c) the witnesses may, if the person holding or presiding over the inquiry thinks fit, be examined on oath (which such person is hereby empowered to administer),
- (d) subject as aforesaid, the inquiry and all proceedings preliminary and incidental thereto shall be conducted in accordance with rules made by the Minister and the rules may make provision as to the costs of the inquiry and other proceedings, including the remuneration of the person or persons holding the inquiry.

6. For the purposes of this Schedule the expression "*general objection*" means, as respects any draft regulations, an objection made—

- (a) by or on behalf of the majority of the occupiers of the factories affected by the draft regulations or by or on behalf of the occupier or occupiers employing a majority of the persons employed in those factories; or by any person who satisfies the Minister that he or an association on behalf of which he acts, represents a majority of the persons employed in those factories, or
- (b) by or on behalf of the majority of the occupiers of any class or description of factories affected as respects which it appears to the Minister that, by reason of special conditions existing in connection therewith, there is reason to believe that any of the requirements of the draft regulations may be unnecessary or inappropriate in the case of that class or description, or by or on behalf of the occupier or occupiers employing a majority of the persons employed in any such class or description of factories as aforesaid; or by any person who satisfies the Minister that he or an association on behalf of which

1323

he acts represents a majority of the persons employed in any such class or description of factories as aforesaid.

© Government of Ireland. Oireachtas Copyright Material is reproduced with the permission of the House of the Oireachtas

[Accessibility Statement](#) | [Privacy Statement](#) | [Disclaimer](#)

1324