



Factories Act 1961

1961 CHAPTER 34

PART IV

HEALTH, SAFETY AND WELFARE (SPECIAL PROVISIONS AND REGULATIONS)

Supplementary provisions

- 77 Prohibition of importation and sale of materials and of articles made with prohibited materials**
- (1) It shall not be lawful to import into the United Kingdom matches made with white phosphorus.
 - (2) Where by any regulations made under this Act the use of any material or process is prohibited, Her Majesty may by Order in Council prohibit, either absolutely or subject to exemptions, the importation into the United Kingdom of the material or of any articles in the manufacture of which the material or process has been employed, and any such Order in Council may be varied or revoked by a subsequent Order in Council.
 - (3) Any person who sells or offers or exposes for sale, or has in his possession for purposes of sale, any article or material the importation of which is prohibited by or under this section, shall be guilty of an offence and shall, in addition to his liability in respect of the offence, forfeit any such article or material in his possession, and any article or material so forfeited shall be destroyed or otherwise dealt with as the court may think fit.
- 78 Power to take samples**
- (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 which is a substance in respect of which he suspects a contravention of any regulation made under

Status: This is the original version (as it was originally enacted).

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

- (2) The occupier or the foreman or other responsible person 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 a government department.
- (3) A certificate purporting to be a certificate by the Government 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 liable to a fine not exceeding one hundred pounds.

79 Restriction on approval of plans for cotton cloth factories

No plans or sections relating to the erection or conversion of a building proposed to be used as a cotton cloth factory shall be approved by any local authority to whom they have been submitted in pursuance of any Act or of any byelaw made under any Act unless they are accompanied by a certificate in writing, issued by the superintending inspector of factories for the division in which the building is proposed to be erected or converted, certifying that the building to which the plans and sections relate would not, if erected or converted in accordance therewith, contravene regulations under this Act with respect to humidity in cotton cloth factories.