



Factories Act 1961

1961 CHAPTER 34

PART XI

ADMINISTRATION

145 Appointment and duties of inspectors and clerks and servants

- (1) The Minister, with the approval of the Treasury as to numbers and salaries, may appoint such inspectors (under whatever title he may from time to time determine) and such clerks and servants as he thinks necessary for the execution of this Act, and may assign to them their duties and award them their salaries, and may appoint a chief inspector with an office in London, and may regulate the cases and manner in which the inspectors, or any of them, are to execute and perform the powers and duties of inspectors under this Act, and may remove such inspectors, clerks, and servants.
- (2) In the appointment of inspectors of factories in Wales and Monmouthshire, among candidates otherwise equally qualified, persons having a knowledge of the Welsh language shall be preferred.
- (3) Notice of the appointment of every inspector shall be published in the London Gazette.
- (4) A person 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, or is employed in or about a factory, shall not act as an inspector.
- (5) An inspector shall not be liable to serve on any jury.
- (6) Such annual report of the proceedings of the inspectors as the Minister directs shall be laid before both Houses of Parliament.
- (7) Any notice or other document required by this Act to be sent to an inspector shall be sent to such inspector as the Minister directs by declaration published in the London Gazette or otherwise as he thinks expedient for making the direction known to all persons interested.

146 Powers of inspectors

- (1) An inspector shall, for the purpose 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 constable 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 and any young persons to whom section one hundred and sixteen of this Act applies;
 - (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;
 - (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 or in any employment mentioned in subsection (1) of the said section one hundred and sixteen 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; so, however, that no one shall be required under this provision to answer any question or to give any evidence tending to criminate himself;
 - (g) in the case of an inspector who is a fully registered medical practitioner, to carry out such medical examinations as may be necessary for the purposes of his duties under this Act;
 - (h) to exercise such other powers as may be necessary for carrying this Act into effect.
- (2) The occupier of every factory, his agents and servants, shall furnish the means required by an inspector as necessary for an entry, inspection, examination, inquiry, the taking of samples, or otherwise for the exercise of his powers under this Act in relation to that factory.
- (3) 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.
- (4) Where an inspector is obstructed in the execution of his powers or duties under this Act, the person obstructing him shall be guilty of an offence, and liable to a fine not

exceeding twenty pounds; and where an inspector is so obstructed in a factory, the occupier of that factory shall be guilty of an offence.

- (5) Any certificate issued by a chief inspector, superintending inspector for a division, or an inspector for a district may be issued for a limited period or without limit of period and may be varied or revoked by that inspector or his successor in office.

147 Extension of s.146 to warehouses

The powers of an inspector under section one hundred and forty-six of this Act shall include the power to enter, inspect and examine at all reasonable times any warehouse and every part thereof—

- (a) by day or night, when he has reasonable cause to believe that any young person is employed in or in connection with the warehouse in such circumstances that section one hundred and sixteen of this Act applies to him ;
- (b) by day, when he has reasonable cause to believe that any young person has within the preceding two months been employed as aforesaid, but not that any young person is so employed;

and for the purposes of the powers conferred by this section a warehouse shall be deemed to be included in the expression " factory " in paragraphs (e) and (f) of subsection (1) of the said section one hundred and forty-six and in subsections (2), (3) and (4) thereof.

148 Power of entry of officers of fire authorities and fire brigades

- (1) The like powers of entry and inspection as are conferred by this Act on an inspector shall be exercisable—

- (a) by any officer carrying out, in accordance with subsection (1) ,of section forty-seven of this Act, an examination under section forty or section forty-one thereof; and
- (b) by an officer of the fire brigade maintained by a fire authority within the meaning of section forty-seven of this Act, when authorised in writing by an inspector. for the purpose of reporting to the inspector on any matter falling within the. inspector's duties relating to fire;

and subsections (2) to (4) of section one hundred and forty-six of this Act shall apply in relation to such officers acting in pursuance of this section as they apply in relation to inspectors.

- (2) An officer exercising any power conferred by this section shall, if asked to do so, produce his authority.
- (3) An inspector shall not authorise an officer of a fire brigade to enter or inspect any premises except with the consent of the authority maintaining the brigade.

149 Power of inspector to conduct proceedings

An inspector, if so authorised in writing under the hand of the Minister, may, although he is not of counsel, or a solicitor, prosecute, conduct or defend—

- (a) before a magistrates' court in England or Wales, any information, complaint or other proceeding ;
- (b) before a court of summary jurisdiction in Scotland, any complaint, summary application or other proceeding;

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

arising under this Act, or in the discharge of his duty as inspector.

150 Certificate of appointment of inspector

Every inspector shall be furnished with the prescribed certificate of his appointment, 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 other person holding a responsible position of management at the factory.

151 Appointed factory doctors

- (1) Subject to any general directions of the Minister, the chief inspector or, in cases where the Minister so directs, a superintending inspector for a division, may appoint a sufficient number of fully registered medical practitioners to be appointed factory doctors for any of the purposes of this Act, and may revoke any such appointment.
- (2) Every appointment and revocation of appointment of an appointed factory doctor may be annulled by the Minister upon appeal to him for that purpose.
- (3) A 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 appointed factory doctor for that factory; but nothing in this subsection shall, except in such cases and for such purposes as may be prescribed, prevent a medical practitioner appointed to act as appointed factory doctor for any factory from so acting by reason only of the fact that he is employed by the occupier of the factory in connection with the medical supervision of persons employed in the factory.
- (4) The appointed factory doctor for any factory shall have power at all reasonable times to inspect the general register of that factory.
- (5) The Minister may make rules regulating the duties of appointed factory doctors.
- (6) An appointed factory doctor shall, if so directed by the Minister, make such special inquiry and examination of employed persons as may be directed.
- (7) Every appointed factory doctor shall each year make at the prescribed time a report in the prescribed form to the Minister as to examinations made and other duties performed by him in pursuance of this Act.
- (8) If and so long as there is no appointed factory doctor for a factory, the medical officer of health for the administrative county or county borough in which the factory is situate or such other medical officer of the council of that county or county borough as he may designate for the purpose, shall act as the appointed factory doctor for that factory.
- (9) In the application of this section to Scotland, for the references in subsection (8) to an administrative county or county borough there shall be substituted respectively references to a county and a large burgh; and for the purposes of that subsection a small burgh shall be included within the county in which it is situate.

152 Fees of appointed factory doctors

The fees to be paid to appointed factory 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 defrayed as expenses of carrying this Act into effect, and the fees shall, subject to any agreement between the appointed factory doctor and the occupier of a factory as respects the fees payable by the occupier, be of such amount as may be determined by the Minister.

153 Provisions as to county and district councils

- (1) The medical officer of health of every district council shall—
 - (a) in his annual report to the council report specifically on the administration of, and furnish the prescribed particulars with respect to, the matters under Part I and Part VIII of this Act which are administered by the district council, and shall send a copy of his annual report or so much of it as deals with those matters to the Minister; and
 - (b) give written notice to the inspector for the district of any factory coming to his knowledge in which no abstract of this Act is affixed in accordance with this Act
- (2) An officer of any district council appointed for the purpose of inspection of factories shall give a written notice to the inspector for the district 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 county council and a district council and their officers shall, without prejudice to their other powers, have all such powers of entry, inspection, taking (except in Scotland) legal proceedings, or otherwise, as an inspector has, and accordingly, in relation to those 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; but no such powers of entry or inspection shall be exercised except by officers of the council authorised by them in writing in that behalf, either generally or specially, and any such officer shall if so required produce his authority to the occupier or other person holding a responsible position of management at the factory.

154 Prohibition of disclosure of information

If any person who, in pursuance of powers conferred by section one hundred and forty-eight or section one hundred and fifty-three of this Act, is admitted into any 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 the disclosure was made in the performance of his duty, be guilty of an offence and liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.