



Factories Act 1961

1961 CHAPTER 34

PART XIV

INTERPRETATION AND GENERAL

General

177 Promotion of health, safety and welfare

- (1) The Minister shall promote health, safety and welfare in factories and premises and operations to which this Act applies by collecting and disseminating information and by investigating or assisting in the investigation of problems of health, safety and welfare; and for the purpose of investigating such problems he may provide and maintain such laboratories and other services as appear to him requisite.
- (2) The Minister may appoint persons to advise him in connection with his functions under this section and may pay to any such person such travelling and other allowances, including compensation for loss of remunerative time, as he may with the approval of the Treasury determine.

178 Certificates of birth

- (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 the Minister of Housing and Local Government or, as respects Scotland, the Secretary of State may by regulations prescribe and on payment of a fee of sixpence, be entitled to obtain a certified extract under the hand of a registrar or superintendent registrar of births and deaths of the entry in the register under the Births and Deaths Registration Act, 1953, or the Registration of Births, Deaths and Marriages (Scotland) Acts, 1854 to 1938, Of the birth of that person.
- (2) A form of such a requisition shall on request be supplied without charge by every superintendent registrar and registrar of births and deaths.

179 Inspection of certain premises

Where in any premises which are subject to inspection by or under the authority of any Government department any manual labour is exercised, otherwise than 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 Minister may arrange with the department that the premises shall, as respects the matters dealt with by this Act, be inspected by an inspector appointed under this Act, and where such an arrangement is made, such inspectors shall have, as respects such matters as aforesaid, the like right of entry and inspection as is conferred on inspectors or other officers of the department concerned.

180 Regulations, rules and orders

- (1) Any regulations, rules or orders made under this Act shall be made by statutory instrument, except an order applicable only to particular persons, premises, boilers, employment, operations or work or to persons employed at particular premises or on work supervised from particular premises.
- (2) Any statutory instrument containing regulations under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Any power conferred by this Act to make regulations, rules or orders shall include power to make different provisions in relation to different circumstances.
- (4) Any power conferred by this Act to make an order shall include power to revoke such an order by a subsequent order.
- (5) Any power conferred by the provisions of this Act specified in the first column of the Third Schedule to this Act to prescribe standards as to the matters mentioned in the second column of that Schedule may be exercised either—
 - (a) so that conformity to the prescribed standard is to be both obligatory and a sufficient compliance with the requirements of this Act for the purposes of which the standard is prescribed; or
 - (b) so that conformity to the prescribed standard is to be obligatory, but is not necessarily to be taken as a sufficient compliance with those requirements.
- (6) Any power conferred by this Act to prescribe standards or impose requirements shall include power to do so by reference to the approval of the chief inspector.
- (7) Any power to make regulations, rules or orders conferring or providing for exemptions from any requirement of this Act or of an instrument made thereunder shall include power to provide for particular exemptions to be granted, either unconditionally or subject to conditions, by an inspector, and a power to impose any requirement by an instrument under this Act shall include power to provide for exemptions from the requirement in special circumstances.
- (8) Where this Act provides for its enforcement with respect to any matters by some other officer than an inspector, then with respect to those matters subsection (7) of this section shall have effect with the substitution of a reference to that officer for the reference to an inspector.
- (9) 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.

- (10) The provisions of the Fourth Schedule to this Act shall have effect with respect to regulations referred to in this Act as special regulations.

181 Substitution of corresponding provisions for certain provisions of Factory and Workshop Act, 1901

- (1) The provisions contained in the Fifth Schedule to this Act (being provisions of the Factory and Workshop Act, 1901, which do not apply in England outside the administrative county of London, set out with the necessary modifications) shall have effect in Scotland and in the administrative county of London in lieu of the corresponding provisions repealed by the Factories Act, 1937, and shall be enforced by the district council.
- (2) Section ten of this Act shall apply with respect to those provisions as it applies with respect to the provisions of Part I of this Act, except that references in that section to the Minister and to an inspector shall, for the purposes of the application thereof under this section, be construed as references to the Minister of Housing and Local Government (or, in Scotland, the Secretary of State) and to an officer appointed by him, and any such officer shall have the like powers as an inspector.
- (3) In this section, section ten of this Act as applied by this section, and the Fifth Schedule to this Act, as they apply in Scotland, "district council" means a county council or the town council of a large burgh; and for the purposes of those provisions a small burgh shall be included within the county in which it is situate.

182 General application to Scotland

- (1) The provisions of this section shall, in addition to any express provision for the application to Scotland of any provision of this Act, have effect for the general application of this Act to Scotland.
- (2) In this Act the expressions "large burgh" and "small burgh" have the like meanings as in the Local Government (Scotland) Act, 1947.
- (3) All matters required by this Act to be published in the London Gazette shall, if they relate to Scotland, be published in the Edinburgh Gazette either in addition or in substitution, as the case may require.
- (4) Any offence against this Act for which the maximum penalty that may be imposed does not exceed ten pounds may be prosecuted in any court of summary jurisdiction within the meaning of the Summary Jurisdiction (Scotland) Act, 1954, having jurisdiction in the place where the offence was committed.
- (5) The district council responsible for enforcing any provision of this Act may prosecute in respect of any offence against such a provision committed within their district, and may appear in any proceedings instituted by them under this Act by their clerk or other officer duly authorised in that behalf.
- (6) It shall not be an objection to the competency of an inspector or of any person prosecuting in pursuance of the power conferred by subsection (5) of this section to give evidence as a witness in any prosecution for an offence against this Act that the prosecution is brought at his instance, or conducted by him.

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

- (7) Every person convicted of an offence against this Act may be found liable in expenses.
- (8) Section twenty-nine of the Public Health (Scotland) Act, 1897, shall not apply in relation to any factory within the meaning of this Act.
- (9) The powers conferred by this Act on county and town councils and their officers shall, for the purposes of their duties under the Public Health (Scotland) Act, 1897, extend to factories within the meaning of that Act.

183 Transitional provisions and repeals

- (1) This Act shall have effect subject to the provisions of the Sixth Schedule to this Act.
- (2) The enactments specified in the Seventh Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

184 Construction of references in other enactments to factories and workshops, etc. and exclusion of certain provisions of Public Health (London) Act, 1936

- (1) Nothing in this Act shall affect the definition of the expressions " factory " and " workshop " for the purposes of the Rating and Valuation (Apportionment) Act, 1928, but save as aforesaid references in any enactment to a factory or workshop within the meaning of the Factory and Workshop Acts, 1901 to 1929, or any of those Acts, shall be construed as references, to a factory within the meaning of this Act.
- (2) References in any enactment to an examining surgeon appointed under the Factories Act, 1937, shall be construed as references to a person appointed under section one hundred and fifty-one of this Act.
- (3) Section one hundred and six of the Public Health (London) Act, 1936 (which relates to sanitary conveniences for factories), section one hundred and twenty-eight of that Act (which relates to nuisances from certain factories, workshops and work places), and section one hundred and twenty-nine of that Act (which relates to lime-washing and washing of certain factories, workshops and work places) shall not apply to any factory to which this Act applies.

185 Short title, commencement and extent

- (1) This Act may be cited as the Factories Act, 1961.
- (2) This Act shall come into force on the first day of April, nineteen hundred and sixty-two.
- (3) This Act, except subsections (1) and (2) of section seventy-seven and so much of section one hundred and eighty-three and the Seventh Schedule as repeals the provisions replaced by those subsections, does not extend to Northern Ireland.