

## SCHEDULES

### SECOND SCHEDULE

Section 120.

#### MODIFICATION OF CERTAIN PROVISIONS IN RELATION TO FACTORIES OCCUPYING PARTS OF BUILDINGS

- 1 Where a factory which is part of a building is either—
  - (a) a part of a tenement factory : or
  - (b) a part let off as a separate factory but not a part of a tenement factory;the owner of the building shall be substituted for the occupier as the person on whom any duties are imposed or rights conferred by the provisions to which this paragraph applies or on whom any notice is to be served thereunder or who is liable for any contravention thereof.
- 2 For the purposes of the provisions to which paragraph 1 of this Schedule applies—
  - (a) the whole of a tenement factory shall be deemed to be one factory; and
  - (b) any such factory as is mentioned in sub-paragraph (b) of that paragraph shall be deemed to include any part of the building used for the purposes of the factory.
- 3 The provisions to which paragraph 1 of this Schedule applies are sections forty to forty-eight and fifty-two of this Act, except subsections (1) and (10) of section forty-eight and so much of subsection (1) of section forty-one as requires the means of escape to be kept free from any obstruction caused by the use of the factory.
- 4 Subsections (1) and (10) of section forty-eight of this Act shall apply to any part of a tenement 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 occupier of any such factory as is mentioned in paragraph 1 of this Schedule shall inform the owner of the building of any such proposal as is mentioned in subsection (3) of section forty-one of this Act.
- 6 In relation to a building comprising such a factory as is mentioned in sub-paragraph (b) of paragraph 1 of this Schedule, subsection (7) of section forty-eight of this Act shall have effect as if it required the warning referred to therein to be a warning in case of fire occurring anywhere in the building and to be audible in every part of the building which is used for the purposes of that or any other factory.
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  - (1) If on a complaint made by the owner of a building it appears to a magistrates' court that any occupier prevents him from carrying out any work, test or examination which he is required to carry out under the foregoing provisions of this Schedule, the court may order the occupier to permit him to do so.
  - (2) In the application of this paragraph to Scotland, for the references to a complaint and to a magistrates' court, there shall be substituted respectively references to a summary application and to the sheriff.
- 8 In relation to any such factory as is mentioned in paragraph 1 of this Schedule, the provisions of this Act requiring certificates in respect of means of escape in case

of fire and the registration of such certificates and of tests or examinations carried out in pursuance of section fifty-two of this Act shall have effect subject to the following modifications, that is to say—

- (a) the certificate under section forty of this Act shall be issued to the owner of the building in which the factory is comprised and a copy thereof (or, if the certificate relates to more than one factory, of the relevant parts thereof) shall be issued to the occupier of the factory;
- (b) where the certificate relates to a tenement factory it shall, notwithstanding sub-paragraph (a) of paragraph 2 of this Schedule, contain particulars as to each of the separate factories;
- (c) the references in subsection (7) of section forty and in section fifty-two of this Act to the general register shall be construed as references to a register to be kept by the owner of the building, and subsection (3) of section one hundred and sixty-six of this Act shall apply in relation to any register kept by the owner in pursuance of this paragraph as if he were the occupier of the factory ;
- (d) the reference in subsection (2) of section one hundred and forty of this Act to the certificate shall be construed as a reference to the copy issued in pursuance of this paragraph.