



# Factories Act 1961

1961 CHAPTER 34 9 and 10 Eliz 2

## PART XIV

### INTERPRETATION AND GENERAL

#### *Interpretation*

#### 176 General interpretation

(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

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

<sup>F1</sup> .....

“bodily injury” includes injury to health;

[<sup>F2</sup>“building operation” and “work of engineering construction” mean “construction work” within the meaning assigned to that phrase by regulation 2(1) of the Construction (Design and Management) Regulations [<sup>F3</sup>2015];]

“calendar year” means the period of twelve months beginning with the first day of January in any year;

<sup>F4</sup> .....

[<sup>F5</sup> “ child ” means any person who is not over—

(a) compulsory school age (construed in accordance with section 8 of the Education Act 1996), or

(b) school age (construed in accordance with section 31 of the Education (Scotland) Act 1980);]

“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 failure to comply with that provision, and the expression “contravene” shall be construed accordingly;

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“cotton cloth factory” means any room, shed or workshop, or part thereof, in which the weaving of cotton cloth is carried on;

<sup>F6</sup>  
.....

“district council” means, as respects England and Wales, the council of a . . .  
<sup>F7</sup> district, and, as respects Scotland [<sup>F8</sup>an islands or a district council];

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

“fume” includes gas or vapour;

<sup>F9</sup>  
.....

“humid factory” means a factory in which atmospheric humidity is artificially produced by steaming or other means in connection with any textile process;

[<sup>F10</sup>“inspector” [<sup>F11</sup>, in relation to a factory, means an inspector appointed under section 19 of the Health and Safety at Work etc. Act 1974 (“the 1974 Act”)—

(a) in the case of a factory on a site in relation to which the Office for Nuclear Regulation has responsibility for the enforcement of any of the relevant statutory provisions (within the meaning of Part 1 of the 1974 Act) by virtue of section 18(1A) or (2) of that Act, by the Office for Nuclear Regulation;

(b) in any other case, by the Health and Safety Executive,  
and references] in any provision of this Act to the inspector for the district, the superintending inspector for the division or the chief inspector are references to an inspector so appointed for the purposes of that provision];

“machinery” includes any driving-belt;

<sup>F12</sup>  
.....

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

“the Minister” means [<sup>F13</sup>the Secretary of State];

“owner”—

(a) as respects England and Wales, 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 another person, or who would so receive the rackrent if the premises were let at a rackrent; and

(b) as respects Scotland, means the person for the time entitled to receive or who would, if the same were let, be entitled to receive, the rents of the premises, and includes a trustee, factor, tutor or curator, and in the case of public or municipal property, applies to the persons to whom the management thereof is entrusted;

“parent” [<sup>F14</sup>means a parent of a child or young person or any person who is not a parent of his but who has parental responsibility for him (within the meaning of the Children Act 1989) or who has parental responsibilities in relation to him (within the meaning of section 1(3) of the Children (Scotland) Act 1995), and includes], in relation to any child or young person, any person having direct benefit from his wages;

“period of employment” means the period (inclusive of the time allowed for meals and rest) within which persons may be employed on any day;

“prescribed” means prescribed by order of the Minister;

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“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 railway company connected with the railway;

“railway company” includes <sup>F15</sup> . . . a company or person working a railway under lease or otherwise;

“sanitary conveniences” includes urinals, water-closets, earthclosets, privies, ashpits, and any similar convenience;

<sup>F4</sup> . . . . .

[<sup>F16</sup> “ship” and “vessel” have the same meaning as “ship” in the Merchant Shipping Act 1995, and “harbour” has the same meaning as in the Merchant Shipping Act 1995; ]

“tenement 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;

“tramway” means a tramway authorised by or under any Act of Parliament 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;

“week” means the period between midnight on Saturday night and midnight on the succeeding Saturday night;

“woman” means a woman who has attained the age of eighteen;

<sup>F17</sup> . . . . .

“young person” means a person who has ceased to be a child but has not attained the age of eighteen.

- (2) For the purposes of this Act, machinery or plant shall be deemed to have been constructed or reconstructed, and a factory or building to have been constructed, reconstructed, extended, added to, or converted for use as a factory, before any date, if the construction, reconstruction, extension, addition, or conversion was begun before that date.
- (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) A woman, young person, or child who works in a factory, whether for wages or not, either in a process or in cleaning any part of the factory used for any process, or in cleaning or oiling any part of the machinery or plant, or in any other kind of work whatsoever incidental to or connected with the process, or connected with the article made or otherwise the subject of the process therein, shall, save as is otherwise provided by this Act, be deemed to be employed therein for the purposes of this Act or of any proceedings thereunder, <sup>F18</sup> . . . . .

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- (5) 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 be employed in the factory for the purposes of this Act or of any proceedings thereunder, but [<sup>F19</sup>section 119 of this Act shall not apply] to any such young person who is employed mainly outside the factory.
- (6) For the purposes of this Act, employment shall be deemed to be continuous unless interrupted by an interval of at least half an hour.
- (7) For the purposes of this Act, an apprentice shall be deemed to be a person employed.
- (8) This Act shall in its application to London have effect as if for references to district councils there were substituted, as respects the City of London references to the common council, <sup>F20</sup> . . .
- [<sup>F21</sup>(8A) In the application of this Act in relation to Wales—
- (a) any reference to a district council shall be construed as a reference to a county council or (as the case may be) county borough council; and
- (b) any reference to the district of a district council shall be construed as a reference to a county or county borough.]
- (9) References in this Act to any enactment shall be construed as references to that enactment as amended by any subsequent enactment, including this Act.

#### Textual Amendments

- F1** Definition repealed by [Banking and Financial Dealings Act 1971 \(c. 80\)](#), [Sch. 2 Pt. II](#)
- F2** Definition of “building operation” in s. 176(1) deleted and substituted (2.9.1996) by [S.I. 1996/1592](#), [reg. 34](#), [Sch. 9 para. 2\(b\)\(i\)](#)
- F3** Word in s. 176(1) substituted (6.4.2015) by [The Construction \(Design and Management\) Regulations 2015 \(S.I. 2015/51\)](#), [reg. 1](#), [Sch. 5](#) (with [reg. 3](#), [Sch. 4](#))
- F4** Definition repealed by [S.I. 1974/1941](#), [reg. 7](#), [Sch. 1](#)
- F5** Definition of “child” in s. 176(1) substituted (1.9.1997 subject to [Sch. 40 para. 1](#) of the amending S.I.) by [1996 c. 56](#), [s. 582\(1\)](#), [Sch. 37 Pt. II para. 135](#) (with [s. 1\(4\)](#), [Sch. 39](#)); [S.I. 1997/1623](#), [art. 2\(2\)](#)
- F6** Definition repealed by [S.I. 1983/978](#), [reg. 3](#)
- F7** Words repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)
- F8** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [s. 155\(1\)](#)
- F9** Words in s. 176(1) repealed (6.4.2009) by [The Factories Act 1961 and Offices, Shops and Railway Premises Act 1963 \(Repeals and Modifications\) Regulations 2009 \(S.I. 2009/605\)](#), [regs. 1](#), [4\(2\)\(d\)](#)
- F10** Definition substituted by [S.I. 1974/1941](#), [Sch. 2 para. 12](#)
- F11** Words in s. 176(1) substituted (1.4.2014) by [Energy Act 2013 \(c. 32\)](#), [s. 156\(1\)](#), [Sch. 12 para. 53](#); [S.I. 2014/251](#), [art. 4](#)
- F12** In s. 176(1) definition of “magistrates’ court” repealed (5.11.1993) by [Statute Law \(Repeals\) Act 1993 \(c. 50\)](#), [s. 1\(1\)](#), [Sch. 1 Pt. XIV Gp. 3](#)
- F13** Words substituted by virtue of [S.I. 1968/729](#), [art. 3\(2\)](#)
- F14** Words in definition of “parent” in s. 176(1) substituted (1.11.1996 subject to [arts. 4-7](#) of the commencing Act) by [1995 c. 36](#), [s. 105\(4\)](#), [Sch. 4 para. 10\(b\)](#) (with [s. 103\(1\)](#)); [S.I. 1996/2203](#), [art. 3](#), [Sch.](#)
- F15** Words repealed by [Transport Act 1962 \(c. 46\)](#), [Sch. 12 Pt. II](#)
- F16** Definitions of “ship”, “harbour” and “vessel” in s. 176(1) substituted (1.1.1996) by [1995 c. 21](#), [ss. 314\(2\)](#), [316\(2\)](#), [Sch. 13 para. 31](#) (with [s. 312\(1\)](#))
- F17** Definition of “work of engineering construction” in s. 176(1) deleted (2.9.1996) by [S.I. 1996/1592](#), [reg. 34](#), [Sch. 9 para. 2\(b\)\(ii\)](#)

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- F18** Words repealed by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 29(4), **Sch. 7 Pt. II**
- F19** Words in s. 176(5) substituted (3.3.1997) by 1989 c. 38, s. 29(3), **Sch. 6 para. 6**; S.I. 1997/134, **art. 2**
- F20** Words repealed by [London Government Act 1963 \(c. 33\)](#), s. 93, **Sch. 18 Pt. II**
- F21** S. 176(8A) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

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