



# Factories Act 1961

## 1961 CHAPTER 34

### PART IV

#### HEALTH, SAFETY AND WELFARE (SPECIAL PROVISIONS AND REGULATIONS)

##### *Supplementary provisions*

#### **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 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

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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.