
*Changes to legislation: There are currently no known outstanding effects for the
Factories Act (Northern Ireland) 1965, SCHEDULE 5. (See end of Document for details)*

SCHEDULES

SCHEDULE 5

Section 180(1).

TRANSITIONAL PROVISIONS

- 1 Any reference in any enactment or document, whether express or implied, to any enactment repealed by this Act or by any enactment so repealed or to any provision contained in any such enactment shall be construed as a reference to this Act or, as the case may be, to the corresponding provision of this Act.
- 2 Any order, regulation, rule, byelaw or appointment made, direction, certificate or notice given, or other thing done under any provision contained in an enactment repealed by this Act or by an enactment so repealed shall continue in force and—
 - (a) if it could have been made, given or done under the corresponding provision of this Act, shall have effect as if it had been so made, given or done;
 - (b) if it is an order or regulation made under a power which, under the corresponding provision of this Act, is exercisable by a different class of instrument, shall have effect as if it were an instrument of that class made under that provision.
- 3 (1) Subject to sub-paragraph (2), a factory which has been furnished with a certificate in pursuance of subsection (1) of section 14 of the Factory and Workshop Act 1901 and a factory in respect of which a notice issued in pursuance of subsection (2) of that section has been complied with, or in respect of which an award has been made under subsection (3) of that section and has been complied with, shall be entitled to receive a certificate under section 41 of this Act and, pending the receipt of the certificate, no offence shall be deemed to be committed by reason of the use of the factory while no certificate under this section is in force with respect to it.

(2) Sub-paragraph (1) shall only apply to any factory if and so long as the means of escape provided therein are properly maintained, and shall not apply to any factory if, since the certificate was furnished or the notice or award was complied with in pursuance of the said section 14, any action has been taken of which notice would, if this Act had been in force and a certificate under section 41 had been granted, have been required by section 42 to be given to the fire authority.
- 4 In the case of any factory constructed or converted for use as a factory before the coming into operation of section 35 of the Factories Act (Northern Ireland) 1938 (that is to say the 1st July 1939) which is not a factory to which paragraph 3 of this Schedule applies, no offence shall be deemed to be committed under section 41 of this Act by reason of the use of the factory during any period that may elapse before the grant or refusal of a certificate under that section by the fire authority, and if the fire authority refuse to grant a certificate in respect of the factory unless alterations are made, no such offence shall be deemed to be committed while the alterations are being carried out in accordance with the requirements of the authority.
- 5 Where, before the coming into operation of Schedule 1 to the Factories Act (Northern Ireland) 1959 (that is to say the 1st December 1962) a certificate was

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issued under section 35 of the Factories Act (Northern Ireland) 1938 with respect to such a factory as is mentioned in paragraph 1 of Schedule 2 to this Act, but—

- (a) neither the certificate nor a copy thereof was issued to the owner of the building in which the factory is comprised; or
- (b) neither the certificate nor a copy thereof or of the relevant part thereof was issued to the occupier of the factory;

the council or fire authority by whom the certificate was issued shall, at his request, send him a copy thereof or, as the case may be, of the relevant part thereof; and the owner may, in the case of any such certificate, comply with the requirement as to its registration by attaching a copy thereof to the register mentioned in paragraph 8(c) of Schedule 2 to this Act.

- 6 The mention of particular matters in this Schedule shall be without prejudice to the general application of section 29 of the Interpretation Act (Northern Ireland) 1954 (which relates to the effect of substituting provisions).

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