



Factories Act (Northern Ireland) 1965

1965 CHAPTER 20

PART XIV

INTERPRETATION AND GENERAL

INTERPRETATION

176 General interpretation.

(1) In this Act—

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

“bodily injury” includes injury to health;

Definition rep. by SR 1996/510

[^{F1}“building operation” and “work of engineering construction” mean “construction work” within the meaning assigned to that phrase by regulation 2(1) of the [^{F2}Construction (Design and Management) Regulations (Northern Ireland) 2016];]

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

Definition rep. by SR 1979/246

“child” has the meaning assigned to it by section 84(2);

“class or description”, in relation to factories, includes a group of factories described by reference to locality;

Definition rep. by SR 1984/283

Definition rep. by SRO (NI) 1973/211

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

[^{F3}“the fire authority” means [^{F4}the Northern Ireland Fire and Rescue Service Board];]

“fume” includes gas or vapour;

^{F5}
...

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 Factories Act (Northern Ireland) 1965, Section 176. (See end of Document for details)*

“government chemist” means the officer appointed by the Minister of Finance under the Administrative Provisions Act (Northern Ireland) 1928 to be the government chemist for Northern Ireland;

Definition rep. by SRO (NI) 1973/211

F6

...

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

[^{F7}“inspector” means an inspector appointed by [^{F8} he Health and Safety Executive for Northern Ireland] under Article 21 of the Health and Safety at Work (Northern Ireland) Order 1978 and references in any provision of this Act to the chief inspector are references to an inspector so appointed who is authorised for the purposes of that provision;]

“machinery” includes any driving-belt;

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

“the Minister” and “the Ministry” mean respectively the Minister and Ministry of Health and Social Services^{F9};

Definition rep. by 1972 NI 14

Definition spent

“owner” 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;

“parent” means a parent [^{F10}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 (Northern Ireland) Order 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 Ministry;

“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 a company or person working a railway under lease or otherwise;

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

Definition rep. by SR 1979/246

[^{F11}“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

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by different persons in such manner that those parts constitute in law separate factories;

“theatrical performer” includes any actor, singer, dancer, acrobat or performer of any kind employed to act, sing, dance, play or perform in any theatre, music hall or other place of public entertainment, or to rehearse with a view to so acting, singing, dancing, playing or performing, as well as any person employed to take part in the acting or representation of any play, act, event or scene being photographed or otherwise recorded as a picture or pictures or other optical effect suitable or intended for being exhibited by means of a cinematograph or other similar apparatus; and the term theatrical performer shall include all persons employed or engaged for purposes of a chorus or crowd, but shall not include stage hands and members of an orchestra;

“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;

Definition rep. by SR 1996/510

“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,^{F12}....
- (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 [^{F13} section 117 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.

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- F1** S. 176(1): definition of “building operation” and “work of engineering construction” substituted (9.7.2007) by virtue of [The Construction \(Design and Management\) Regulations \(Northern Ireland\) 2007 \(S.R. 2007/291\)](#), reg. 47(2), **Sch. 6 para. 1** (with reg. 3)
- F2** Words in s. 176(1) substituted (1.8.2016) by [The Construction \(Design and Management\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/146\)](#), reg. 1, **Sch. 6**
- F3** SRO (NI) 1973/211
- F4** S. 176(1): words substituted (1.7.2006) in definition of "fire authority" by [Fire and Rescue Services \(Northern Ireland\) Order 2006 \(S.I. 2006/1254 \(N.I. 9\)\)](#), arts. 1(3), 63(1), **Sch. 3 para. 2** (with art. 62); S.R. 2006/257, **art. 2(b)(d)**
- F5** S. 176(1): definition of "general register" repealed (31.10.2011) by [Factories Act \(Northern Ireland\) 1965 and Office and Shop Premises Act \(Northern Ireland\) 1966 \(Repeals and Modifications\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/283\)](#), **reg. 4(2)(d)**
- F6** Words in s. 176(1) omitted (1.4.2022) by virtue of [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\)](#), s. 8(1)(b), **Sch. 1 para. 1**; S.R. 2022/102, art. 2(b)
- F7** SR 1979/246
- F8** SR 1999/150
- F9** Functions transf.SRO (NI) 1973/504
- F10** 1995 NI 2
- F11** 1995 c. 21
- F12** 1990 NI 2
- F13** 1990 NI 2

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