



# Factories Act 1961

1961 CHAPTER 34 9 and 10 Eliz 2

## PART II

### SAFETY (GENERAL PROVISIONS)

<sup>F1</sup>12 .....

#### Textual Amendments

**F1** S. 12 repealed (1.1.1993 to certain extent and 1.1.1997 fully in force) by S.I. 1992/2932, regs. 1(2)(3), 2, 27(1), **Sch. 2 Pt.I** (with reg. 27(2)).

<sup>F2</sup>13 .....

#### Textual Amendments

**F2** S. 13 repealed (1.1.1993 to certain extent and 1.1.1997 fully in force) by S.I. 1992/2932, regs. 1(2)(3), 2, 27(1), **Sch. 2 Pt.I** (with reg. 27(2)).

<sup>F3</sup>14 .....

#### Textual Amendments

**F3** S. 14 repealed (1.1.1993 to certain extent and 1.1.1997 fully in force) by S.I. 1992/2932, regs. 1(2)(3), 2, 27(1), **Sch. 2 Pt.I** (with reg. 27(2)).

<sup>F4</sup>15 .....

*Status: Point in time view as at 01/01/1997.*

*Changes to legislation: There are currently no known outstanding effects for the Factories Act 1961, Part II. (See end of Document for details)*

**Textual Amendments**

**F4** S. 15 repealed (1.1.1993 to certain extent and 1.1.1997 fully in force) by S.I. 1992/2932, regs. 1(2)(3), 2, 27(1), **Sch. 2 Pt.I** (with reg. 27(2)).

<sup>F5</sup>**16** .....

**Textual Amendments**

**F5** S. 16 repealed (1.1.1993 to certain extent and 1.1.1997 fully in force) by S.I. 1992/2932, regs. 1(2)(3), 2, 27(1), **Sch. 2 Pt.I** (with reg. 27(2)).

<sup>F6</sup>**17** .....

**Textual Amendments**

**F6** S. 17 repealed (1.1.1993 to certain extent and 1.1.1997 fully in force) by S.I. 1992/2932, regs. 1(2)(3), 2, 27(1), **Sch. 2 Pt.I** (with reg. 27(2)).

<sup>F7</sup>**18** **Dangerous substances.**

- (1) Every fixed vessel, structure, sump or pit of which the edge is less than [<sup>F8</sup>920 millimetres] above the highest ground or platform from which a person might fall into it shall, if it contains any scalding, corrosive or poisonous liquid, either be securely covered or be securely fenced to at least [<sup>F8</sup>920 millimetres] above that ground or platform, or where by reason of the nature of the work neither secure covering nor secure fencing to that height is practicable, all practicable steps shall be taken by covering, fencing or other means to prevent any person from falling into the vessel, structure, sump or pit.
- (2) Where any fixed vessel, structure, sump or pit contains any scalding, corrosive or poisonous liquid but is not securely covered, no ladder, stair or gangway shall be placed above, across or inside it which is not—
  - (a) at least [<sup>F8</sup>460 millimetres] wide, and
  - (b) securely fenced on both sides to a height of at least [<sup>F8</sup>920 millimetres] and securely fixed.
- (3) Where any such vessels, structures, sump or pits as are mentioned in subsection (2) of this section adjoin, and the space between them, clear of any surrounding brick or other work, is less than [<sup>F8</sup>460 millimetres] in width or is not securely fenced on both sides to a height of at least [<sup>F8</sup>920 millimetres], secure barriers shall be so placed as to prevent passage between them.
- (4) For the purposes of this section a ladder, stair or gangway shall not be deemed to be securely fenced unless it is provided either with sheet fencing or with an upper and a lower rail and toe boards.

(5) ..... <sup>F9</sup>

*Status: Point in time view as at 01/01/1997.*

*Changes to legislation: There are currently no known outstanding effects for the Factories Act 1961, Part II. (See end of Document for details)*

**Textual Amendments**

- F7** S. 18 repealed (1.1.1993 with respect to certain premises and 1.1.1996 with respect to certain further premises) by S.I. 1992/3004, regs. 1(2)(3), 2, 3, 27(1), **Sch. 2 Pt.I** (with reg. 27(2)).
- F8** Words substituted by S.I. 1983/978, regs. 3, 4, **Sch. 1**
- F9** Ss. 1(5), 2(4), 3(3), 4(2), 5(2), 7(2), 9, 10, 14(3)(4)(6), 17(3)–(5), 18(5)(6), 25(4), 53–55, 58(2)–(4), 59(2)(3), 62, 66, 70, 71, 72(2), 73(2), 76, 81, 83, 121(7), 122(6), 124(2)(3), 129(1), 134, 137(5), 142, 145, 149, 150, 153(3), 159, 164(3), 174(2), 177, 179, 180(5)(7)(8)(10), 181(2), 182(5)(6), Schs. 3, 4 repealed by S.I. 1974/1941, reg. 7, **Sch. 1**

**F10** **19** .....

**Textual Amendments**

- F10** S. 19 repealed (1.1.1993 to certain extent and 1.1.1997 fully in force) by S.I. 1992/2932, regs. 1(2)(3), 2, 27(1), **Sch. 2 Pt.I** (with reg. 27(2)).

**20 Cleaning of machinery by young persons.**

A . . . <sup>F11</sup> young person shall not clean any part of a prime mover or of any transmission machinery while the prime mover or transmission machinery is in motion, and shall not clean any part of any machine if the cleaning thereof would expose the . . . <sup>F11</sup> young person to risk of injury from any moving part either of that machine or of any adjacent machinery.

**Textual Amendments**

- F11** Words repealed by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), ss. 9(4), 29(4), **Sch. 7 Pt. II**

**21 Training and supervision of young persons working at dangerous machines.**

- (1) No young person shall work at any machine to which this section applies, unless he has been fully instructed as to the dangers arising in connection with it and the precautions to be observed, and—
  - (a) has received a sufficient training in work at the machine; or
  - (b) is under adequate supervision by a person who has a thorough knowledge and experience of the machine.
- (2) This section applies to such machines as may be prescribed by the Minister, being machines which in his opinion are of such a dangerous character that young persons ought not to work at them unless the foregoing requirements are complied with.

**22 Hoists and lifts—general.**

- (1) Every hoist or lift shall be of good mechanical construction, sound material and adequate strength, and shall be properly maintained.
- [<sup>F12</sup>2] Every hoist or lift shall be thoroughly examined by a competent person at least once in every period of six months and a record of every such thorough examination and

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of the results thereof, containing the particulars required by the Lifting Plant and Equipment (Records of Test and Examination etc.) Regulations 1992, shall be made within twenty-eight days, and any such record shall be kept and the particulars in it shall be available for inspection as if it formed part of the general register.]

- [<sup>F13</sup>(3) Where the thorough examination shows that the hoist or lift cannot continue to be used with safety unless certain repairs are carried out immediately or within a specified time, the person who authenticates the record shall within twenty-eight days of the completion of the thorough examination send a copy of the particulars contained in the record to an inspector appointed by the Health and Safety Executive under section 19 of the Health and Safety at Work etc. Act 1974 who is authorised for the purposes of this provision.]
- (4) Every hoistway or liftway shall be efficiently protected by a substantial enclosure fitted with gates, and the enclosure shall be such as to prevent, when the gates are shut, any person falling down the way or coming into contact with any moving part of the hoist or lift.
- (5) Any such gate shall, subject to subsection (6) of this section and to section twenty-five of this Act, be fitted with efficient interlocking or other devices to secure that the gate cannot be opened except when the cage or platform is at the landing and that the cage or platform cannot be moved away from the landing until the gate is closed.
- (6) If in the case of a hoist or lift constructed or reconstructed before the thirtieth day of July, nineteen hundred and thirty-seven, it is not reasonably practicable to fit it with such devices as are mentioned in subsection (5) of this section, it shall be sufficient if the gate—
- (a) is provided with such arrangements as will secure the objects of that subsection so far as is reasonably practicable, and
  - (b) is kept closed and fastened except when the cage or platform is at rest at the landing.
- (7) Every hoist or lift and every such enclosure as is mentioned in subsection (4) of this section shall be so constructed as to prevent any part of any person or any goods carried in the hoist or lift from being trapped between any part of the hoist or lift and any fixed structure or between the counterbalance weight and any other moving part of the hoist or lift.
- (8) There shall be marked conspicuously on every hoist or lift the maximum working load which it can safely carry, and no load greater than that load shall be carried on any hoist or lift.

#### Textual Amendments

**F12** S. 22(2) substituted (30.4.1992) by S.I. 1992/195, reg. 5, Sch. 2 para. 3(a).

**F13** S. 22(3) substituted (30.4.1992) by S.I. 1992/195, reg. 5, Sch. 2 para. 3(b).

#### Modifications etc. (not altering text)

**C1** S. 22(2) amended (30.4.1992) by S.I. 1992/195, reg. 2, Sch. 1 Pt.II.

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### **23 Hoists and lifts used for carrying persons.**

- (1) The following additional requirements shall apply to hoists and lifts used for carrying persons, whether together with goods or otherwise:—
  - (a) efficient automatic devices shall be provided and maintained to prevent the cage or platform overrunning;
  - (b) every cage shall on each side from which access is afforded to a landing be fitted with a gate, and in connection with every such gate efficient devices shall be provided to secure that, when persons or goods are in the cage, the cage cannot be raised or lowered unless the gate is closed, and will come to rest when the gate is opened.
- (2) In the case of a hoist or lift constructed or reconstructed before the thirtieth day of July, nineteen hundred and thirty-seven, in connection with which it is not reasonably practicable to provide such devices as are mentioned in paragraph (b) of subsection (1) of this section it shall be sufficient if—
  - (a) such arrangements are provided as will secure the objects of that paragraph so far as is reasonably practicable; and
  - (b) the gate is kept closed and fastened except when the cage is at rest or empty.
- (3) In the case of a hoist or lift used as mentioned in subsection (1) of this section which was constructed or reconstructed after the twenty-ninth day of July, nineteen hundred and thirty-seven, where the platform or cage is suspended by rope or chain, there shall be at least two ropes or chains separately connected with the platform or cage, each rope or chain and its attachments being capable of carrying the whole weight of the platform or cage and its maximum working load, and efficient devices shall be provided and maintained which will support the platform or cage with its maximum working load in the event of a breakage of the ropes or chains or any of their attachments.

### **24 Teagle openings and similar doorways.**

- (1) Every teagle opening or similar doorway used for hoisting or lowering goods or materials, whether by mechanical power or otherwise, shall be securely fenced and shall be provided with a secure hand-hold on each side.
- (2) The fencing shall be properly maintained and shall, except when the hoisting or lowering of goods or materials is being carried on at the opening or doorway, be kept in position.

### **25 Exceptions and provisions supplementary to ss. 22–24.**

- (1) For the purposes of sections twenty-two and twenty-three of this Act, no lifting machine or appliance shall be deemed to be a hoist or lift unless it has a platform or cage the direction of movement of which is restricted by a guide or guides.
- (2) Subsections (3) to (8) of section twenty-two and section twenty-three of this Act shall not apply in the case of a continuous hoist or lift, and in such a case subsection (2) of the said section twenty-two shall have effect as if for the reference to six months there were substituted a reference to twelve months.
- (3) Subsections (5) and (6) of the said section twenty-two and the said section twenty-three shall not apply in the case of a hoist or lift not connected with mechanical power; and in such a case—

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- (a) subsection (2) of the said section twenty-two shall have effect as if for the reference to six months there were substituted a reference to twelve months; and
- (b) any gates to be fitted under subsection (4) of the said section twenty-two shall be kept closed and fastened except when the cage or platform is at rest at the landing.

(4) ..... F14

**Textual Amendments**

**F14** Ss. 1(5), 2(4), 3(3), 4(2), 5(2), 7(2), 9, 10, 14(3)(4)(6), 17(3)–(5), 18(5)(6), 25(4), 53–55, 58(2)–(4), 59(2)(3), 62, 66, 70, 71, 72(2), 73(2), 76, 81, 83, 121(7), 122(6), 124(2)(3), 129(1), 134, 137(5), 142, 145, 149, 150, 153(3), 159, 164(3), 174(2), 177, 179, 180(5)(7)(8)(10), 181(2), 182(5)(6), Schs. 3, 4 repealed by S.I. 1974/1941, reg. 7, **Sch. 1**

**26 Chains, ropes and lifting tackle.**

- (1) The following provisions shall be complied with as respects every chain, rope or lifting tackle used for the purpose of raising or lowering persons, goods or materials:—
  - (a) no chain, rope or lifting tackle shall be used unless it is of good construction, sound material, adequate strength and free from patent defect;
  - (b) subject to subsection (2) of this section, a table showing the safe working loads of every kind and size of chain, rope or lifting tackle in use, and, in the case of a multiple sling, the safe working load at different angles of the legs, shall be posted in the store in which the chains, ropes or lifting tackle are kept, and in prominent positions on the premises, and no chain, rope or lifting tackle not shown in the table shall be used;
  - (c) no chain, rope or lifting tackle shall be used for any load exceeding its safe working load as shown by the table mentioned in paragraph (b) of this subsection or marked as mentioned in subsection (2) of this section;
  - (d) all chains, ropes and lifting tackle in use shall be thoroughly examined by a competent person at least once in every period of six months or at such greater intervals as the Minister may prescribe;
  - [<sup>F15</sup>(e) no chain, rope or lifting tackle, except a fibre rope or a fibre rope sling, shall be taken into use in any factory for the first time in that factory, unless it has been tested and thoroughly examined by a competent person and a record of the test and thorough examination and of the results thereof, containing the particulars required by the Lifting Plant and Equipment (Records of Test and Examination etc.) Regulations 1992, has been obtained and the particulars in that record are kept available for inspection;]
  - (f) every chain and lifting tackle except a rope sling shall, unless of a class or description exempted by certificate of the chief inspector upon the ground that it is made of such material or so constructed that it cannot be subjected to heat treatment without risk of damage or that it has been subjected to some form of heat treatment (other than annealing) approved by him, be annealed at least once in every fourteen months or, in the case of chains or slings of [<sup>F16</sup>13 millimetres] bar or smaller, or chains used in connection with molten metal or molten slag, in every six months, except that chains and lifting tackle not in regular use need be annealed only when necessary;

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- [<sup>F17</sup>(g) a record containing the particulars required by the Lifting Plant and Equipment (Records of Test and Examination etc.) Regulations 1992, shall be kept in respect of all such chains, ropes or lifting tackle, except fibre rope slings.]
- (2) Paragraph (b) of subsection (1) of this section shall not apply in relation to any lifting tackle if its safe working load or, in the case of a multiple sling, the safe working load at different angles of the legs is plainly marked upon it.
- (3) In this section “lifting tackle” means chain slings, rope slings, rings, hooks, shackles and swivels.

#### Textual Amendments

- F15** S. 26(1)(e) substituted (30.4.1992) by S.I. 1992/195, reg. 5, Sch. 2 para. 3(c).  
**F16** Words substituted by S.I. 1983/978, regs. 3, 4, Sch. 1  
**F17** S. 26(1)(g) substituted (30.4.1992) by S.I. 1992/195, reg. 5, Sch. 2 para. 3(d).

#### Modifications etc. (not altering text)

- C2** S. 26(1) restricted (1.1.1993) by S.I. 1992/3073, reg. 33(2)(a)(i).  
**C3** S. 26(1)(e) amended (30.4.1992) by S.I. 1992/195, reg. 2, Sch. 1 Pt.I.  
**C4** S. 26(1)(g) amended (30.4.1992) by S.I. 1992/195, reg. 2(3).

## 27 Cranes and other lifting machines.

- (1) All parts and working gear, whether fixed or moveable, including the anchoring and fixing appliances, of every lifting machine shall be of good construction, sound material, adequate strength and free from patent defect, and shall be properly maintained.
- [<sup>F18</sup>(2) All such parts and gear shall be thoroughly examined by a competent person at least once in every period of fourteen months and a record shall be kept of every such thorough examination and of the results thereof, containing the particulars required by the Lifting Plant and Equipment (Records of Test and Examination etc.) Regulations 1992, and where the thorough examination shows that the lifting machine can not continue to be used with safety unless certain repairs are carried out immediately or within a specified time, the person who authenticates the record shall within twenty-eight days of the completion of the thorough examination send a copy of the particulars in the record to an inspector appointed by the Health and Safety Executive under section 19 of the Health and Safety at Work etc. Act 1974 who is authorised for the purposes of this provision.]
- (3) All rails on which a travelling crane moves and every track on which the carriage of a transporter or runway moves shall be of proper size and adequate strength and have an even running surface; and any such rails or track shall be properly laid, adequately supported or suspended and properly maintained.
- (4) There shall be plainly marked on every lifting machine its safe working load or loads, except that in the case of a jib crane so constructed that the safe working load may be varied by the raising or lowering of the jib, there shall be attached thereto either an automatic indicator of safe working loads or a table indicating the safe working loads at corresponding inclinations of the jib or corresponding radii of the load.

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- (5) No lifting machine shall, except for the purpose of a test, be loaded beyond the safe working load as marked or indicated under subsection (4) of this section.
- (6) No lifting machine shall be taken into use in any factory for the first time in that factory unless it has been tested and all such parts and working gear of the machine as are specified in subsection (1) of this section have been thoroughly examined by a competent person and a [<sup>F19</sup>record of the test and thorough examination and of the results thereof, containing the particulars required by the Lifting Plant and Equipment (Records of Test and Examination etc.) Regulations 1992, has been obtained and the particulars in that record are kept available for inspection.]
- (7) If any person is employed or working on or near the wheel-track of an overhead travelling crane in any place where he would be liable to be struck by the crane, effective measures shall be taken by warning the driver of the crane or otherwise to ensure that the crane does not approach within [<sup>F20</sup>6 metres] of that place.
- (8) If any person is employed or working otherwise than mentioned in subsection (7) of this section but in a place above floor level where he would be liable to be struck by an overhead travelling crane, or by any load carried by such a crane, effective measures shall be taken to warn him of the approach of the crane, unless his work is so connected with or dependent on the movements of the crane as to make a warning unnecessary.
- (9) In this section “lifting machine” means a crane, crab, winch, teagle, pulley block, gin wheel, transporter or runway.

#### Textual Amendments

**F18** S. 27(2) substituted (30.4.1992) by S.I. 1992/195, reg. 5, Sch. 2 para. 3(e).

**F19** Words in s. 27(6) substituted (30.4.1992) by S.I. 1992/195, reg. 5, Sch. 2 para. 3(f).

**F20** Words substituted by S.I. 1983/978, regs. 3, 4, Sch. 1

#### Modifications etc. (not altering text)

**C5** S. 27(1)(6) excluded (1.1.1993) by S.I. 1992/3073, reg. 33(2)(a)(ii).

**C6** S. 27(2)(6) amended (30.4.1992) by S.I. 1992/195, reg. 2, Sch. 1 Pt.I.

#### [<sup>F21</sup>28 Floors, passages and stairs.

- (1) All floors, steps, stairs, passages and gangways shall be of sound construction and properly maintained and shall, so far as is reasonably practicable, be kept free from any obstruction and from any substance likely to cause persons to slip.
- (2) For every staircase in a building or affording a means of exit from a building, a substantial hand-rail shall be provided and maintained, which, if the staircase has an open side, shall be on that side, and in the case of a staircase having two open sides or of a staircase which, owing to the nature of its construction or the condition of the surface of the steps or other special circumstances, is specially liable to cause accidents, such a hand-rail shall be provided and maintained on both sides.
- (3) Any open side of a staircase shall also be guarded by the provision and maintenance of a lower rail or other effective means.
- (4) All openings in floors shall be securely fenced, except in so far as the nature of the work renders such fencing impracticable.



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(5) All ladders shall be soundly constructed and properly maintained.]

#### Textual Amendments

**F21** S. 28 repealed (1.1.1993 with respect to certain premises and 1.1.1996 with respect to certain further premises) by S.I. 1992/3004, regs. 1(2)(3), 2, 3, 27(1), Sch. 2 Pt. I (with reg. 27(2)).

### [<sup>F22</sup>29 Safe means of access and safe place of employment.

- (1) There shall, so far as is reasonably practicable, be provided and maintained safe means of access to every place at which any person has at any time to work, and every such place shall, so far as is reasonably practicable, be made and kept safe for any person working there.
- (2) Where any person has to work at a place from which he will be liable to fall a distance more than [<sup>F23</sup>2 metres]], then, unless the place is one which affords secure foothold and, where necessary, secure hand-hold, means shall be provided, so far as is reasonably practicable, by fencing or otherwise, for ensuring his safety.

#### Textual Amendments

**F22** S. 29 repealed (1.1.1993 with respect to certain premises and 1.1.1996 with respect to certain further premises) by S.I. 1992/3004, regs. 1(2)(3), 2, 3, 27(1), Sch. 2 Pt.I (with reg. 27(2)).

**F23** Words substituted by S.I. 1983/978, regs. 3, 4, Sch. 1

### 30 Dangerous fumes and lack of oxygen.

- (1) The provisions of subsections (2) to (8) of this section shall have effect where work in any factory has to be done inside any chamber, tank, vat, pit, pipe, flue or similar confined space, in which dangerous fumes are liable to be present to such an extent as to involve risk of persons being overcome thereby.
- (2) The confined space shall, unless there is other adequate means of egress, be provided with a manhole, which may be rectangular, oval or circular in shape, and shall be not less than [<sup>F24</sup>460 millimetres] long and [<sup>F24</sup>410 millimetres] wide or (if circular) not less than [<sup>F24</sup>460 millimetres] in diameter, or in the case of tank wagons and other mobile plant, not less than [<sup>F24</sup>410 millimetres] long and [<sup>F24</sup>360 millimetres] wide or (if circular) not less than [<sup>F24</sup>410 millimetres] in diameter.
- (3) Subject to subsection (4) of this section, no person shall enter or remain in the confined space for any purpose unless he is wearing a suitable breathing apparatus and has been authorised to enter by a responsible person, and, where practicable, he is wearing a belt with a rope securely attached and a person keeping watch outside and capable of pulling him out is holding the free end of the rope.
- (4) Where the confined space has been certified by a responsible person as being, for a specified period, safe for entry without breathing apparatus and the period so specified has not expired, subsection (3) of this section shall not apply, but no person shall enter or remain in the space unless he has been warned when that period will expire.
- (5) A confined space shall not be certified under subsection (4) of this section unless—
  - (a) effective steps have been taken to prevent any ingress of dangerous fumes; and

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- (b) any sludge or other deposit liable to give off dangerous fumes has been removed and the space contains no other material liable to give off dangerous fumes; and
  - (c) the space has been adequately ventilated and tested for dangerous fumes and has a supply of air adequate for respiration;
- but no account shall be taken for the purposes of paragraph (b) of this subsection of any deposit or other material liable to give off dangerous fumes in insignificant quantities only.
- (6) There shall be provided and kept readily available a sufficient supply of [<sup>F25</sup>suitable breathing apparatus], of belts and ropes, and of suitable reviving apparatus and oxygen, and the apparatus, belts and ropes shall be maintained and shall be thoroughly examined, at least once a month or at such other intervals as may be prescribed, by a competent person; and a report on every such examination, signed by the person making the examination and containing the prescribed particulars, shall be kept available for inspection.
  - (7) A sufficient number of the persons employed shall be trained and practised in the use of the apparatus mentioned in subsection (6) of this section and in a method of restoring respiration.
  - (8) The chief inspector may by certificate grant, subject to any conditions specified in the certificate, exemption from compliance with any of the requirements of the foregoing provisions of this section in any case where he is satisfied that compliance with those requirements is unnecessary or impracticable.
  - (9) No person shall enter or remain in any confined space in which the proportion of oxygen in the air is liable to have been substantially reduced unless either—
    - (a) he is wearing a suitable breathing apparatus; or
    - (b) the space has been and remains adequately ventilated and a responsible person has tested and certified it as safe for entry without breathing apparatus.
  - (10) No work shall be permitted in any boiler-furnace or boiler-flue until it has been sufficiently cooled by ventilation or otherwise to make work safe for the persons employed.

#### Textual Amendments

**F24** Words substituted by [S.I. 1983/978](#), regs. 3, 4, [Sch. 1](#)

**F25** Words in [s. 30\(6\)](#) substituted (1.1.1993) by [S.I. 1992/2966](#), [Sch. 2 Pt. I para.1.](#)

### 31 Precautions with respect to explosive or inflammable dust, gas, vapour or substance.

- (1) Where, in connection with any grinding, sieving, or other process giving rise to dust, there may escape dust of such a character and to such an extent as to be liable to explode on ignition, all practicable steps shall be taken to prevent such an explosion by enclosure of the plant used in the process, and by removal or prevention of accumulation of any dust that may escape in spite of the enclosure, and by exclusion or effective enclosure of possible sources of ignition.
- (2) Where there is present in any plant used in any such process as aforesaid dust of such a character and to such an extent as to be liable to explode on ignition, then, unless

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the plant is so constructed as to withstand the pressure likely to be produced by any such explosion, all practicable steps shall be taken to restrict the spread and effects of such an explosion by the provision, in connection with the plant, of chokes, baffles and vents, or other equally effective appliances.

(3) Where any part of a plant contains any explosive or inflammable gas or vapour under pressure greater than atmospheric pressure, that part shall not be opened, except in accordance with the following provisions:—

- (a) before the fastening of any joint of any pipe connected with the part of the plant or the fastening of the cover of any opening into the part is loosened, any flow of the gas or vapour into the part or into any such pipe shall be effectively stopped by a stop-valve or otherwise;
- (b) before any such fastening is removed, all practicable steps shall be taken to reduce the pressure of the gas or vapour in the pipe or part of the plant to atmospheric pressure;

and if any such fastening has been loosened or removed, no explosive or inflammable gas or vapour shall be allowed to enter the pipe or part of the plant until the fastening has been secured or, as the case may be, securely replaced; but nothing in this subsection applies to a plant installed in the open air.

(4) No plant, tank or vessel which contains or has contained any explosive or inflammable substance shall be subjected—

- (a) to any welding, brazing or soldering operation;
- (b) to any cutting operation which involves the application of heat; or
- (c) to any operation involving the application of heat for the purpose of taking apart or removing the plant, tank or vessel or any part of it;

until all practicable steps have been taken to remove the substance and any fumes arising from it, or to render them non-explosive or non-inflammable; and if any plant, tank or vessel has been subjected to any such operation, no explosive or inflammable substance shall be allowed to enter the plant, tank or vessel until the metal has cooled sufficiently to prevent any risk of igniting the substance.

(5) The chief inspector may by certificate grant, subject to any conditions specified in the certificate, exemption from compliance with any of the requirements of subsections (3) and (4) of this section in any case where he is satisfied that compliance with the requirement is unnecessary or impracticable.

### <sup>F26</sup>32 **Steam boilers—attachments and construction.**

(1) Subject to subsection (3) of this section, every steam boiler, whether separate or one of a range,—

- (a) shall have attached to it the devices mentioned in subsection (2) of this section;
- (b) shall be provided with means for attaching a test pressure gauge; and
- (c) shall, unless externally fired, be provided with a suitable fusible plug or an efficient low-water alarm device.

(2) The devices referred to in subsection (1) of this section are—

- (a) a suitable safety valve, separate from any stop-valve, which shall be so adjusted as to prevent the boiler being worked at a pressure greater than the maximum permissible working pressure and shall be fixed directly to, or as close as practicable to, the boiler;
- (b) a suitable stop-valve connecting the boiler to the steam pipe;

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- (c) a correct steam pressure gauge connected to the steam space and easily visible by the boiler attendant, which shall indicate the pressure of steam in the boiler . . . <sup>F27</sup>, and have marked on it in a distinctive colour the maximum permissible working pressure;
  - (d) at least one water gauge of transparent material or other type approved by the chief inspector to show the water level in the boiler, together, if the gauge is of the glass tubular type and the working pressure of the boiler normally exceeds [<sup>F28</sup>2.75 bars,] with an efficient guard provided so as not to obstruct the reading of the gauge;
  - (e) where the boiler is one of two or more boilers, a plate bearing a distinctive number which shall be easily visible.
- (3) Paragraph (b) of subsection (2) of this section shall not apply with respect to economisers, and paragraphs (c), (d) and (e) of that subsection and paragraphs (b) and (c) of subsection (1) of this section shall not apply with respect to either economisers or superheaters
- (4) For the purposes of the foregoing provisions of this section, a lever-valve shall not be deemed a suitable safety valve unless the weight is secured on the lever in the correct position.
- (5) Every part of every steam boiler shall be of good construction, sound material and adequate strength, and free from patent defect.]

#### Textual Amendments

**F26** Ss. 32, 35, 36, 125, 127(2)(c) repealed (1.7.1994) by S.I. 1989/2169, reg. 26, Sch. 6 Pt. 1

**F27** Words repealed by S.I. 1974/1941, reg. 7, Sch. 1

**F28** Words substituted by S.I. 1974/1941, Sch. 2 para. 3

#### [<sup>F29</sup>33 Steam boilers—maintenance, examination and use.

- (1) Every steam boiler and all its fittings and attachments shall be properly maintained.
- (2) A steam boiler shall not be used in any factory unless it has been examined, together with its fittings and attachments, in such manner as the Minister may by [<sup>F30</sup>regulations] prescribe and no greater period than may be so prescribed has elapsed since the examination, but the regulations may provide for extending in special circumstances the time during which a boiler which has been examined as required by the regulations may be used in a factory without being again so examined.
- (3) The Minister may by special regulations prescribe the manner in which a steam boiler, together with its fittings and attachments, is to be examined after any such repairs as may be specified in the regulations; and where such repairs are carried out to a steam boiler after it has been examined under subsection (2) of this section, then, notwithstanding that the period prescribed under that subsection has not expired, the steam boiler shall not be used in any factory until the examination prescribed under this subsection has been made.
- (4) A report of the result of every examination under this section in the prescribed form and containing the prescribed particulars (including the maximum permissible working pressure) shall as soon as practicable and in any case within twenty-eight days, or such other period as the Minister may by special regulations prescribe, after

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the completion of the examination, be entered in or attached to the general register, and the report shall be signed by the person making the examination, and if that person is an inspector of a boiler-inspecting company or association, countersigned by the chief engineer of the company or association or by such other responsible officer of the company or association as may be authorised in writing in that behalf by the chief engineer.

- (5) No new steam boiler shall be taken into use unless there has been obtained from the manufacturer of the boiler, or from a boiler-inspecting company or association, a certificate specifying its maximum permissible working pressure, and stating the nature of the tests to which the boiler and fittings have been submitted, and the certificate is kept available for inspection, and the boiler is so marked as to enable it to be identified as the boiler to which the certificate relates.
- (6) Where the report of any examination under this section specifies conditions for securing the safe working of a steam boiler, the boiler shall not be used except in accordance with those conditions.
- (7) The person making the report of an examination under this section or, in the case of a boiler-inspecting company or association, the chief engineer thereof, shall within twenty-eight days, or such other period as the Minister may by special regulations prescribe, after the completion of the examination send to the inspector for the district a copy of the report in every case where the maximum permissible working pressure is reduced, or the examination shows that the boiler cannot continue to be used with safety unless certain repairs are carried out immediately or within a specified time.
- (8) If the person employed to make any such examination fails to make a thorough examination as required by this section or makes a report which is false or deficient in any material particular, or if the chief engineer of any boiler-inspecting company or association permits any such report to be made, he shall be guilty of an offence . . . <sup>F31</sup>, and if any such person or chief engineer fails to send to the inspector for the district a copy of any report as required by subsection (7) of this section, he shall be guilty of an offence.
- (9) If the chief inspector is not satisfied as to the competency of the person employed to make the examination or as to the thoroughness of the examination, he may require the boiler to be re-examined by a person nominated by him, and the occupier shall give the necessary facilities for the re-examination.
- (10) If as a result of the re-examination it appears that the report of the examination was inadequate or inaccurate in any material particular, the cost of the re-examination shall be recoverable from the occupier, and the report of the re-examination purporting to be signed by the person making it shall be admissible in evidence of the facts stated therein.
- (11) Any sum recoverable under subsection (10) of this section shall, in England and Wales, be recoverable summarily as a civil debt.]

#### Textual Amendments

**F29** S. 33 repealed (1.7.1994) (with saving for s. 33(6)) by S.I. 1989/2169, regs. 1, 26, 27, Sch. 1 Pt. III para. 1, Sch. 6 Pt. I

**F30** Word substituted by virtue of S.I. 1974/1941, Sch. 2 para. 2

**F31** Words repealed by S.I. 1974/1941, reg. 7, Sch. 1

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**Modifications etc. (not altering text)**

- C7** Ss. 33(2)(3)(4), 33(7)(8), 35(6), 36(5) excluded by S.I. 1989/2169, regs. 1, 27, **Sch. 1 Pt II paras. 2–5**  
**C8** S. 33(6) excluded by S.I. 1989/2169, regs. 1, 27, **Sch. 1 Pt II paras. 2–5**, Pt. III para. 1

**34 Steam boilers—restrictions on entry.**

No person shall enter or be in any steam boiler which is one of a range of two or more steam boilers unless—

- (a) all inlets through which steam or hot water might otherwise enter the boiler from any other part of the range are disconnected from that part; or
- (b) all valves or taps controlling the entry of steam or hot water are closed and securely locked, and, where the boiler has a blow-off pipe in common with one or more other boilers or delivering into a common blow-off vessel or sump, the blow-off valve or tap on each such boiler is so constructed that it can only be opened by a key which cannot be removed until the valve or tap is closed and is the only key in use for that set of blow-off valves or taps.

**[<sup>F32</sup>35 Steam receivers and steam containers.**

- (1) Every steam receiver, not so constructed and maintained as to withstand with safety the maximum permissible working pressure of the boiler or the maximum pressure which can be obtained in the pipe connecting the receiver with any other source of supply, shall be fitted with—
  - (a) a suitable reducing valve or other suitable automatic appliance to prevent the safe working pressure being exceeded; and
  - (b) a suitable safety valve so adjusted as to permit the steam to escape as soon as the safe working pressure is exceeded, or a suitable appliance for cutting off automatically the supply of steam as soon as the safe working pressure is exceeded; and
  - (c) a correct steam pressure gauge, which must indicate the pressure of steam in the receiver . . . <sup>F33</sup>; and
  - (d) a suitable stop valve; and
  - (e) except where only one steam receiver is in use, a plate bearing a distinctive number which shall be easily visible.
- (2) The safety valve and pressure gauge shall be fitted either on the steam receiver or on the supply pipe between the receiver and the reducing valve or other appliance to prevent the safe working pressure being exceeded.
- (3) Where any set of receivers is supplied with steam through a single pipe and the reducing valve or other appliance required by paragraph (a) of subsection (1) of this section is fitted on that pipe, the set shall be treated as one receiver for the purposes of paragraphs (a) to (c) of subsection (1) and for the purposes of subsection (2) of this section, and if the set forms part of a single machine, also for the purposes of paragraph (d) of the said subsection (1).
- (4) Every part of every steam receiver shall be of good construction, sound material, adequate strength and free from patent defect.
- (5) Every steam receiver and its fittings shall be properly maintained, and shall be thoroughly examined by a competent person, so far as the construction of the receiver permits, at least once in every period of twenty-six months.

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- (6) A report of the result of every such examination containing the prescribed particulars (including particulars of the safe working pressure) shall be entered in or attached to the general register.
- (7) Every steam container shall be so maintained as to secure that the outlet is at all times kept open and free from obstruction.
- (8) In this section—

“safe working pressure” means, in the case of a new steam receiver, that specified by the maker, and in the case of a steam receiver which has been examined in accordance with the provisions of this section, that specified in the report of the last examination;

“steam receiver” means any vessel or apparatus (other than a steam boiler, steam container, a steam pipe or coil, or a part of a prime mover) used for containing steam under pressure greater than atmospheric pressure;

“steam container” means any vessel (other than a steam pipe or coil) constructed with a permanent outlet into the atmosphere or into a space where the pressure does not exceed atmospheric pressure, and through which steam is passed at atmospheric pressure or at approximately that pressure for the purpose of heating, boiling, drying, evaporating or other similar purpose.]

#### Textual Amendments

**F32** Ss. 32, 35, 36, 125, 127(2)(c) repealed (1.7.1994) by S.I. 1989/2169, reg. 26, **Sch. 6 Pt. I**

**F33** Words repealed by S.I. 1974/1941, reg. 7, **Sch. 1**

#### Modifications etc. (not altering text)

**C9** Ss. 35(5), 36(4) restricted by S.I. 1989/2169, regs. 1, 27, **Sch. 1 Pt. II paras. 2–5**

**C10** Ss. 33(2)(3)(4), 33(7)(8), 35(6), 36(5) excluded by S.I. 1989/2169, regs. 1, 27, **Sch. 1 Pt II paras. 2–5**

### [<sup>F34</sup>36 Air receivers.

- (1) Every air receiver—
- (a) shall have marked on it so as to be plainly visible the safe working pressure; and
  - (b) if it is connected with an air compressing plant, shall either be so constructed as to withstand with safety the maximum pressure that can be obtained in the compressor, or be fitted with a suitable reducing valve or other suitable appliance to prevent the safe working pressure of the receiver being exceeded; and
  - (c) shall be fitted with a suitable safety valve so adjusted as to permit the air to escape as soon as the safe working pressure is exceeded; and
  - (d) shall be fitted with a correct pressure gauge indicating the pressure in the receiver . . . <sup>F35</sup>; and
  - (e) shall be fitted with a suitable appliance for draining the receiver; and
  - (f) shall be provided with a suitable manhole, handhole, or other means which will allow the interior to be thoroughly cleaned; and
  - (g) in a case where more than one receiver is in use in the factory, shall bear a distinguishing mark which shall be easily visible.

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- (2) For the purposes of the provisions of subsection (1) of this section relating to safety valves and pressure gauges, any set of air receivers supplied with air through a single pipe may be treated as one receiver but, where a suitable reducing valve or other suitable appliance to prevent the safe working pressure being exceeded is required to be fitted, only if the valve or appliance is fitted on that pipe.
- (3) Every air receiver and its fittings shall be of sound construction and properly maintained.
- (4) Every air receiver shall be thoroughly cleaned and examined at least once in every period of twenty-six months, except that in the case of a receiver of solid drawn construction—
- the person making any such examination may specify in writing a period exceeding twenty-six months but not exceeding four years within which the next examination is to be made; and
  - if it is so constructed that the internal surface cannot be thoroughly examined, a suitable hydraulic test of the receiver shall be carried out in lieu of internal examination.
- (5) Every such examination and test shall be carried out by a competent person, and a report of the result of every such examination and test, containing the prescribed particulars (including particulars of the safe working pressure) shall be entered in or attached to the general register.
- (6) In this section “air receiver” means—
- any vessel (other than a pipe or coil, or an accessory, fitting or part of a compressor) for containing compressed air and connected with an air compressing plant; or
  - any fixed vessel for containing compressed air or compressed exhaust gases and used for the purpose of starting an internal combustion engine; or
  - any fixed or portable vessel (not being part of a spraying pistol) used for the purpose of spraying by means of compressed air any paint, varnish, lacquer or similar material; or
  - any vessel in which oil is stored and from which it is forced by compressed air; but paragraph (e) of subsection (1) of this section shall not apply to any such vessel as is mentioned in paragraph (c) or paragraph (d) of this subsection.]

#### Textual Amendments

**F34** Ss. 32, 35, 36, 125, 127(2)(c) repealed (1.7.1994) by S.I. 1989/2169, reg. 26, **Sch. 6 Pt. 1**

**F35** Words repealed by S.I. 1974/1941, reg. 7, **Sch. 1**

#### Modifications etc. (not altering text)

**C11** S. 36(1)(2)(3) excluded (31.12.1991) by S.I. 1991/2749, **regs. 1, 24(2)(a)**.

**C12** Ss. 35(5), 36(4) restricted by S.I. 1989/2169, **regs. 1, 27, Sch. 1 Pt. II paras. 2–5**

**C13** Ss. 33(2)(3)(4), 33(7)(8), 35(6), 36(5) excluded by S.I. 1989/2169, **regs. 1, 27, Sch. 1 Pt II paras. 2–5**

### 37 Exceptions as to steam boilers, steam receivers and containers, and air receivers.

- (1) [<sup>F36</sup>Sections thirty-two to thirty-four][<sup>F36</sup>section thirty-four] of this Act do not apply to any boiler belonging to or exclusively used in the service of Her Majesty or belonging



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to and used by the United Kingdom Atomic Energy Authority, or to the boiler of any ship or of any locomotive which belongs to and is used by any railway company.

- (2) The chief inspector may by certificate except from any of the provisions of sections [<sup>F37</sup>thirty-two to thirty-six][<sup>F37</sup>section thirty-four] of this Act any class or type of steam boiler, [<sup>F38</sup>steam receiver, steam container or air receiver] to which he is satisfied that the provision cannot reasonably be applied.
- (3) Any such exception may be unqualified or may be subject to such conditions as may be contained in the certificate.

#### Textual Amendments

- F36** Words “Section thirty-four” substituted (1.7.1994) for “Sections thirty-two to thirty-four” by S.I. 1989/2169, reg. 26, Sch. 6 Pt II
- F37** Words “Section thirty-four” substituted (1.7.1994) for “Sections thirty-two to thirty-six” by S.I. 1989/2169, reg. 26, Sch. 6 Pt. II
- F38** Words repealed (1.7.1994) by S.I. 1989/2169, reg. 26, Sch. 6 Pt. I

### 38 Steam boilers—supplementary provisions.

In this Part of this Act “steam boiler” means any closed vessel in which for any purpose steam is generated under pressure greater than atmospheric pressure, and includes any economiser used to heat water being fed to any such vessel, and any superheater used for heating steam; [<sup>F39</sup>and “ maximum permissible working pressure” in relation to any steam boiler, means (except in subsections (4) and (5) of section thirty-three) that specified in the report of the last examination under that section].

#### Textual Amendments

- F39** Words repealed (1.7.1994) by S.I. 1989/2169, reg. 26, Sch. 6, Pt. I

### 39 Precautions as respects water-sealed gasholders.

- (1) Every gasholder shall be of sound construction and shall be properly maintained.
- (2) Every gasholder shall be thoroughly examined externally by a competent person at least once in every period of two years, and a record containing the prescribed particulars of every such examination shall be entered in or attached to the general register.
- (3) In the case of a gasholder of which any lift has been in use for more than twenty years, the internal state of the sheeting shall at least once in every period of ten years, be examined by a competent person by cutting samples from the crown and sides of the holder or by other sufficient means and all samples so cut and a report on every such examination signed by the person making it shall be kept available for inspection.
- (4) A record signed by the occupier of the factory or by a responsible official authorised in that behalf showing the date of the construction, as nearly as it can be ascertained, of the oldest lift of every gasholder in the factory shall be kept available for inspection.
- (5) Where there is more than one gasholder in the factory, every gasholder shall be marked in a conspicuous position with a distinguishing number or letter.

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(6) No gasholder shall be repaired or demolished except under the direct supervision of a person who, by his training and experience and his knowledge of the necessary precautions against risks of explosion and of persons being overcome by gas, is competent to supervise such work.

(7) In this section “gas holder” means a water-sealed gasholder which has a storage capacity of not less than [<sup>F40</sup>140 cubic metres].

**Textual Amendments**  
**F40** Words substituted by S.I. 1983/978, regs. 3, 4, **Sch. 1**

**40—** ..... <sup>F41</sup>  
**52.**

**Textual Amendments**  
**F41** Ss. 40–52, 120, 140(2), 148, 165, repealed by S.I. 1976/2004, **Sch.**

**53—** ..... <sup>F42</sup>  
**55.**

**Textual Amendments**  
**F42** Ss. 1(5), 2(4), 3(3), 4(2), 5(2), 7(2), 9, 10, 14(3)(4)(6), 17(3)–(5), 18(5)(6), 25(4), 53–55, 58(2)–(4), 59(2)(3), 62, 66, 70, 71, 72(2), 73(2), 76, 81, 83, 121(7), 122(6), 124(2)(3), 129(1), 134, 137(5), 142, 145, 149, 150, 153(3), 159, 164(3), 174(2), 177, 179, 180(5)(7)(8)(10), 181(2), 182(5)(6), Schs. 3, 4 repealed by S.I. 1974/1941, reg. 7, **Sch. 1**

**56 Application of Part II to Scotland.**

In the application of this Part of this Act to Scotland, for any reference to a magistrates’ court there shall be substituted a reference to the sheriff, for any reference to a complaint a reference to a summary application, . . . <sup>F43</sup>

**Textual Amendments**  
**F43** Words repealed by S.I. 1974/1941, reg. 7, **Sch. 1**

**Status:**

Point in time view as at 01/01/1997.

**Changes to legislation:**

There are currently no known outstanding effects for the Factories Act 1961, Part II.