



# 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**F1** S. 12 repealed (1.1.1993 to certain extent and 1.1.1997 fully in force) by S.I. 1992/2932, regs. 1(2)(3), 2, 27(1), **Sch. 2 Pt.I** (with reg. 27(2)).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**F2** S. 13 repealed (1.1.1993 to certain extent and 1.1.1997 fully in force) by S.I. 1992/2932, regs. 1(2)(3), 2, 27(1), **Sch. 2 Pt.I** (with reg. 27(2)).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**F3** S. 14 repealed (1.1.1993 to certain extent and 1.1.1997 fully in force) by S.I. 1992/2932, regs. 1(2)(3), 2, 27(1), **Sch. 2 Pt.I** (with reg. 27(2)).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 .....

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*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**F4** S. 15 repealed (1.1.1993 to certain extent and 1.1.1997 fully in force) by S.I. 1992/2932, regs. 1(2)(3), 2, 27(1), **Sch. 2 Pt.I** (with reg. 27(2)).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**F5** S. 16 repealed (1.1.1993 to certain extent and 1.1.1997 fully in force) by S.I. 1992/2932, regs. 1(2)(3), 2, 27(1), **Sch. 2 Pt.I** (with reg. 27(2)).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**F6** S. 17 repealed (1.1.1993 to certain extent and 1.1.1997 fully in force) by S.I. 1992/2932, regs. 1(2)(3), 2, 27(1), **Sch. 2 Pt.I** (with reg. 27(2)).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>

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*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)).

**F11** **20** .....

**Textual Amendments**

- F11** S. 20 repealed (3.3.1997) by S.I. 1997/135, reg. 3, **Sch. Pt. I**

**F12** **21** .....

**Textual Amendments**

- F12** S. 21 repealed (3.3.1997) by S.I. 1997/135, reg. 3, **Sch. Pt. I**

**F13** **22** .....

**Textual Amendments**

- F13** S. 22 repealed (5.12.1998) by S.I. 1998/2307, **reg. 15**

**F14** **23** .....

**Textual Amendments**

- F14** S. 23 repealed (5.12.1998) by S.I. 1997/1713, **reg. 15**

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**24 Teagle openings and similar doorways.**

<sup>F15</sup> .....

**Textual Amendments**  
**F15** S. 24 repealed (6.4.2005) by The Work at Height Regulations 2005 (S.I. 2005/735), **reg. 18**

<sup>F16</sup>**25** .....

**Textual Amendments**  
**F16** S. 25 repealed (5.12.1998) by S.I. 1998/2307, **reg. 15**

<sup>F17</sup>**26** .....

**Textual Amendments**  
**F17** S. 26 repealed (5.12.1998) by S.I. 1998/2307, **reg. 15**

<sup>F18</sup>**27** .....

**Textual Amendments**  
**F18** S. 27 repealed (5.12.1998) by S.I. 1998/2307, **reg. 15**

**[<sup>F19</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.
- (5) All ladders shall be soundly constructed and properly maintained.]

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**Textual Amendments**

**F19** 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>F20</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>F21</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**

**F20** 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)).

**F21** Words substituted by S.I. 1983/978, regs. 3, 4, **Sch. 1**

**<sup>F22</sup>30 .....**

**Textual Amendments**

**F22** S. 30 repealed (28.1.1998) by S.I. 1997/1713, **reg. 9(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 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:—

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- (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>F23</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;
  - (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>F24</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

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- exceeds [<sup>F25</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

- F23** Ss. 32, 35, 36, 125, 127(2)(c) repealed (1.7.1994) by S.I. 1989/2169, reg. 26, Sch. 6 Pt. I
- F24** Words repealed by S.I. 1974/1941, reg. 7, Sch. 1
- F25** Words substituted by S.I. 1974/1941, Sch. 2 para. 3

#### [<sup>F26</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>F27</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 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.

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- (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>F28</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

**F26** 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. 1

**F27** Word substituted by virtue of S.I. 1974/1941, Sch. 2 para. 2

**F28** Words repealed by S.I. 1974/1941, reg. 7, Sch. 1

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

**C1** 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

**C2** S. 33(6) excluded by S.I. 1989/2169, regs. 1, 27, Sch. 1 Pt II paras. 2–5, Pt. III para. 1



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<sup>F29</sup>**34** .....

**Textual Amendments**

**F29** S. 34 repealed (21.2.2000) by S.I. 2000/128 reg. 18

<sup>F30</sup>**35** .....

**Textual Amendments**

**F30** Ss. 32,35,36, 125,127() repealed (1.7.1994) by S.I. 1989/2169 reg. 26, Sch. 6 Pt. I; s. 35 expressed to be repealed (21.2.2000) by S.I. 2000/128, **reg. 18**

[<sup>F31</sup>**36** **Air receivers.**  
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**Textual Amendments**

**F31** Ss. 32, 35, 36, 125, 127(2)(c) repealed (1.7.1994) by S.I. 1989/2169, reg. 26, **Sch. 6 Pt. I**; s. 36 expressed to be repealed (21.2.2000) by S.I. 2000/128, **reg. 18**

<sup>F32</sup>**37** .  
.....

**Textual Amendments**

**F32** S. 37 repealed (21.2.2000) by S.I. 2000/128, **reg. 18**

<sup>F33</sup>**38** .  
.....

**Textual Amendments**

**F33** S. 38 repealed (21.2.2000) by S.I. 2000/128, **reg. 18**

**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 [<sup>F34</sup>kept available for inspection.]

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- (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.
- (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>F35</sup>140 cubic metres].

**Textual Amendments**

**F34** Words in s. 39(2) substituted (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(1)**

**F35** Words substituted by [S.I. 1983/978](#), regs. 3, 4, **Sch. 1**

**40**— ..... <sup>F36</sup>  
**52.**

**Textual Amendments**

**F36** [Ss. 40–52, 120, 140\(2\), 148, 165](#), repealed by [S.I. 1976/2004](#), **Sch.**

**53**— ..... <sup>F37</sup>  
**55.**

**Textual Amendments**

**F37** [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>F38</sup>

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

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**Textual Amendments**

**F38** Words repealed by S.I. 1974/1941, reg. 7, Sch. 1

**Status:**

Point in time view as at 01/04/2012.

**Changes to legislation:**

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