



# Factories Act 1961

1961 CHAPTER 34 9 and 10 Eliz 2

## PART VII **E+W+S**

### SPECIAL APPLICATIONS AND EXTENSIONS

#### *Factories occupying parts of buildings*

120 ..... <sup>F1</sup> **E+W+S**

#### Textual Amendments

**F1** Ss. 40–52, 120, 140(2), 148, 165, repealed by S.I. 1976/2004, Sch.

121 **Tenement factories—other provisions.** **E+W+S**

(1) Subject to the following provisions of this section, the owner (whether or not he is one of the occupiers) of a tenement factory shall, instead of the occupier, be responsible for any contravention of the following provisions of this Act, that is to say—

- (a) the provisions of Part I with respect to the drainage of floors, sanitary conveniences, cleanliness, overcrowding, temperature, ventilation and lighting;
- (b) the provisions of Part II with respect to the provision and maintenance of fencing and safety appliances, the construction, maintenance, testing and examination of machinery or plant, the construction and maintenance of floors, passages and stairs, . . . <sup>F2</sup>;
- (c) the provisions of Part III;
- (d) ..... <sup>F3</sup>
- (e) the provisions of Part V;
- (f) ..... <sup>F4F5</sup> . . .
- <sup>F6</sup>(g) .....

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and for the purposes of those provisions the whole of a tenement factory shall be deemed to be one factory in the occupation of the owner.

- (2) Subsection (1) of this section does not apply to any contravention arising from the use in a tenement of any fencing, appliances, machinery or plant, if the use is a matter outside the control of the owner.
- (3) Subsection (1) of this section does not apply to a contravention in rooms occupied by only one tenant—
- (a) of the provisions of Part I with respect to cleanliness, overcrowding, temperature, ventilation and lighting; or
- (b) .....<sup>F3</sup>
- unless the contravention arises from a failure to carry out any necessary structural work or from any defect in any machinery, plant or fixtures belonging to the owner; and does not apply to a contravention in any such room of the provisions of Part V.
- (4) Subsection (1) of this section does not apply to a contravention of the provisions of Part III unless it arises from any such failure or defect as is mentioned in subsection (3) of this section.
- (5) .....<sup>F7</sup>
- (6) The provisions of this Act shall, so far as they are applicable and have not been applied by the foregoing provisions of this section, apply to any part of a tenement factory which is not comprised within any of the separate factories as if that part were a factory and the owner were the occupier thereof.
- (7) .....<sup>F8</sup>

#### Textual Amendments

- F2** Words repealed by S.I. 1974/1941, reg. 7, **Sch. 1**
- F3** S. 121(1)(d)(3)(b) repealed by S.I. 1988/1657, reg. 19(1)(b), **Sch. 8 Pt. II**
- F4** Words repealed by **Employment Act 1989** (c. 38, SIF 43:1), s. 29(4), **Sch. 7 Pt. II**
- F5** Word in s. 121(1)(f) repealed (1.1.1996) by S.I. 1995/2923, reg. 3(1), **Sch. Pt. I**
- F6** S. 121(1)(g) repealed (1.1.1996) by S.I. 1995/2923, reg. 3(1), **Sch. Pt. I**
- F7** Ss. 121(5), 126(2)(f) repealed by **Employment Act 1989** (c. 38, SIF 43:1), s. 29(4), **Sch. 7 Pt. II**
- F8** 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**

## 122 Parts of buildings let off as separate factories—other provisions. **E+W+S**

- (1) Where a part of a building is let off as a separate factory but is not part of a tenement factory,—
- (a) the provisions of this Act specified in paragraphs (a) and (b) of subsection (2) of this section shall apply to any part of the building used for the purposes of the factory but not comprised therein;
- (b) subject to subsections (4) and (5) of this section, the owner of the building shall be responsible for any contravention of the provisions specified in the said paragraph (a) as so applying; and

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- (c) subject to subsection (5) of this section, the owner of the building shall be responsible, instead of the occupier, for any contravention as respects the factory, of the provisions specified in paragraph (c) of subsection (2) of this section.
- (2) The said provisions are—
  - (a) the provisions of Part I with respect to cleanliness and lighting, and the provisions of Part II with respect to prime movers, transmission machinery, hoists and lifts, chains, ropes and lifting tackle, cranes and other lifting machines, the construction and maintenance of floors, passages and stairs, the keeping free from obstruction and slippery substances of floors, steps, stairs, passages and gangways, [<sup>F9</sup>and with respect to steam boilers, steam receivers and steam containers, and air receivers];
  - (b) ..... <sup>F10</sup>
  - (c) the provisions of Part I with respect to sanitary conveniences and the provisions of Part II with respect to hoists and lifts.
- (3) For the purposes of the provisions applied by the foregoing provisions of this section, lifting machines attached to the outside of the building, and chains, ropes and lifting tackle used in connection with those machines, shall be treated as being in the building, but any lifting machine not used for the purposes of the factory, and any chains, ropes or lifting tackle not used in connection with a lifting machine so used, shall be disregarded.
- (4) For any contravention (whether as respects the factory or otherwise) of the provisions of Part II with respect to chains, ropes and lifting tackle, cranes and other lifting machines, [<sup>F9</sup>steam boilers, steam receivers and steam containers, and air receivers]—
  - (a) the occupier of the factory shall be responsible if it is a contravention with respect to any machinery or plant belonging to or supplied by him; and
  - (b) the owner of the building shall be responsible in any other case;except that the owner shall not be responsible for a contravention of those provisions in so far as they relate to matters outside his control, and for any such contravention as respects the factory the occupier shall be responsible.
- (5) The owner shall be responsible by virtue of this section—
  - (a) for the cleanliness of sanitary conveniences only when used in common by several tenants; and
  - (b) for a contravention of the provisions relating to hoists and lifts only so far as those provisions relate to matters within his control.
- (6) ..... <sup>F11</sup>
- <sup>F12</sup>(7) .....

#### Textual Amendments

**F9** Words repealed (1.7.1994) by [S.I. 1989/2169, reg. 26, Sch. 6, Pt. I](#)

**F10** S. 122(2)(b) repealed by [S.I. 1974/1941, reg. 7, Sch. 1](#)

**F11** 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](#)

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**F12** S. 122(7) repealed (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(2)(a)**

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