



# Factories Act 1961

## 1961 CHAPTER 34 9 and 10 Eliz 2

### PART X

#### NOTICES, RETURNS, RECORDS, DUTIES OF PERSONS EMPLOYED, AND APPLICATION OF WEIGHTS AND MEASURES ACTS

#### **137 Notice of occupation of factory, and use of mechanical power.**

- (1) Subject to subsection (3) of this section, every person who begins to occupy or to use any premises as a factory shall, not less than one month before he does so, serve on the inspector for the district a written notice stating the name of the occupier or the title of the firm, the postal address of the factory, the nature of the work, whether mechanical power is to be used and, if so, its nature, the name of the district council within whose district the factory is situated and such other particulars as may be prescribed.
- (2) Subject to subsection (3) of this section, not less than one month before the date on which mechanical power is first used in a factory the occupier shall serve on the inspector for the district a written notice stating the nature of the mechanical power.
- (3) A person may begin to occupy, or to use any premises as, a factory, and mechanical power may be first used in a factory, less than one month after the notice required by the foregoing provisions of this section has been served, if the inspector of the district gives written permission; and a person may also begin to occupy a factory less than one month after the notice has been served or before serving the notice, if he takes over from another person without changing the nature of the work and the notice is served as soon as practicable and in any case within one month of his taking over.
- (4) If a person begins to occupy, or to use any premises as, a factory before he is entitled to do so under the foregoing provisions of this section, or if a person entitled thereunder to occupy a factory before giving notice fails to give the required notice within the time allowed, he shall be guilty of an offence . . . <sup>F1</sup>
- (5) . . . . . <sup>F2</sup>

*Status: Point in time view as at 01/02/1991.*

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

#### Textual Amendments

- F1** Words repealed by S.I. 1974/1941, reg. 7, **Sch. 1**
- F2** 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**

### 138 Posting of abstract of Act and notices.

- (1) Subject to subsection (2) of this section, there shall be kept posted at the principal entrances of a factory at which employed persons enter—
- (a) ..... <sup>F3</sup>
- (d) ..... <sup>F4</sup>
- (e) every notice and document required by this Act to be posted in the factory.
- (2) An inspector may direct that all or any of the documents mentioned in subsection (1) of this section shall be posted in such parts of the factory, either in addition to or in substitution for the principal entrances, as he may direct.
- (3) All such documents shall be posted in such characters and in such positions as to be conveniently read by the persons employed in the factory and, if a form has been prescribed for any document, it shall be posted in that form.
- (4) If any person pulls down, . . . <sup>F5</sup> any abstract, notice, regulations or other document posted in pursuance of this Act, he shall be guilty of an offence and liable [<sup>F6</sup>on summary conviction] to a fine not exceeding [<sup>F7</sup>level 1 on the standard scale].

#### Textual Amendments

- F3** Ss. 138(1)(a)–(c), 153(1)(b) repealed by S.I. 1989/682, reg. 8(1), **Sch. Pt. I**
- F4** Ss. 138(1)(d), 140(1)(d) repealed by Employment Act 1989 (c. 38, SIF 43:1), s. 10(1)(a), 29(4), **Sch. 3 Pt. I, Sch. 7 Pt. II**
- F5** Words repealed by **Criminal Damage Act 1971** (c. 48), s. 11(8), **Sch. Pt. II**
- F6** Words inserted by S.I. 1974/1941, **Sch. 2 para. 4**
- F7** Words substituted by virtue of (E.W.) **Criminal Justice Act 1982** (c. 48, SIF 39:1), **ss. 38, 46** and (S.) **Criminal Procedure (Scotland) Act 1975** (c. 21, SIF 39:1), **ss. 289F, 289G**

### 139 Provisions as to special regulations.

- (1) Printed copies of all special regulations for the time being in force in any factory or the prescribed abstract of such regulations shall be kept posted in the factory in such characters and in such positions as to be conveniently read by the persons employed in the factory.
- (2) A printed copy of all such regulations shall be given by the occupier to any person affected thereby on his application.

*Status: Point in time view as at 01/02/1991.*

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

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

**C1** S. 139 amended by S.I. 1974/1941, Sch. 2 para. 9

**140 General registers.**

- (1) There shall be kept in every factory or in such place outside the factory as may be approved by the inspector for the district, a register in the prescribed form, called the general register, and there shall be entered in or attached to that register—
- (a) the prescribed particulars as to the young persons employed in the factory; and
  - (b) the prescribed particulars as to the washing, whitewashing or colour washing, painting or varnishing, of the factory; and
  - (c) ..... <sup>F8</sup>
  - (d) ..... <sup>F9</sup>
  - (e) all reports and particulars required by any other provision of this Act to be entered in or attached to the general register; and
  - (f) such other matters as may be prescribed.
- (2) ..... <sup>F10</sup>
- (3) The occupier of a factory shall send to an inspector such extracts from the general register as the inspector may from time to time require for the purpose of the execution of his duties under this Act.

**Textual Amendments**

**F8** S. 140(1)(c) repealed by S.I. 1985/2023, reg. 13, Sch. 7 Pt. I

**F9** Ss. 138(1)(d), 140(1)(d) repealed by Employment Act 1989 (c. 38, SIF 43:1), s. 10(1)(a), 29(4), Sch. 3 Pt. I, Sch. 7 Pt. II

**F10** Ss. 40–52, 120, 140(2), 148, 165, repealed by S.I. 1976/2004, Sch.

**141 Preservation of registers and records.**

The general register and every other register or record kept in pursuance of this Act shall be preserved and shall be kept available for inspection by any inspector or by [<sup>F11</sup>an employment medical adviser] for at least two years, or such other period as may be prescribed for any class or description of register or record, after the date of the last entry in the register or record.

**Textual Amendments**

**F11** Words substituted by Employment Medical Advisory Service Act 1972 (c. 28), Sch. 2

**142** ..... <sup>F12</sup>

*Status: Point in time view as at 01/02/1991.*

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

**Textual Amendments**

**F12** 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**

**143** ..... **F13**

**Textual Amendments**

**F13** Ss. 136, 143 repealed by S.I. 1975/1012, **Sch.**

**144** ..... **F14**

**Textual Amendments**

**F14** S. 144 repealed by **Weights and Measures Act 1963 (c. 31)**, s. 62, **Sch. 9 Pt. 1**

**Status:**

Point in time view as at 01/02/1991.

**Changes to legislation:**

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