



# Factories Act 1961

## 1961 CHAPTER 34

### PART XIV

#### INTERPRETATION AND GENERAL

##### *Interpretation*

#### 176 General interpretation

(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

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

" bank holiday " means a holiday under the Holidays Extension Act, 1875;

" bodily injury " includes injury to health ;

" building operation " means the construction, structural alteration, repair or maintenance of a building (including re-pointing, re-decoration and external cleaning of the structure), the demolition of a building, and the preparation for, and laying the foundation of, an intended building, but does not include any operation which is a work of engineering construction within the meaning of this Act;

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

" chief inspector " means the chief inspector appointed under this Act, and includes a deputy chief inspector;

" child " means any person who is not for the purposes of the Education Act, 1944, over compulsory school age (or for the purposes of the Education (Scotland) Act, 1946, over school age); , " class or description ", in relation to factories, includes a group of factories described by reference to locality;

" contravention " includes, in relation to any provision, a failure to comply with that provision, and the expression " contravene " shall be construed accordingly ;

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*Status: This is the original version (as it was originally enacted).*

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" cotton cloth factory " means any room, shed or workshop, or part thereof, in which the weaving of cotton cloth is carried on;

" degrees " means degrees Fahrenheit;

" district council " means, as respects England and Wales, the council of a borough or county district, and, as respects Scotland, the council of a county or the town council of a burgh;

" driving-belt " includes any driving strap or rope ;

" fume " includes gas or vapour;

" general register " means the register kept in accordance with the requirements of section one hundred and forty of this Act;

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

" inspector " means, except where otherwise expressed, an inspector appointed under this Act, and a reference to the inspector for the district or to the superintending inspector for the division refers, as respects any factory, to the inspector in charge of the district, or the superintending inspector in charge of the division, in which the factory is situate;

" machinery " includes any driving-belt;

" magistrates' court " has the same meaning as in the Magistrates' Courts Act, 1952;

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

" the Minister " means the Minister of Labour ;

" owner "—

- (a) as respects England and Wales, 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; and
- (b) as respects Scotland, means the person for the time entitled to receive or who would, if the same were let, be entitled to receive, the rents of the premises, and includes a trustee, factor, tutor or curator, and in the case of public or municipal property, applies to the persons to whom the management thereof is entrusted;

" parent " means a parent or guardian of, or person having the legal custody of, or the control over, a child or young person, 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 Minister;

" 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;

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" railway company " includes the British Transport Commission and a company or person working a railway under lease or otherwise;

"sanitary conveniences" includes urinals, water-closets, earthclosets, privies, ashpits, and any similar convenience ;

" special regulations " means regulations with respect to which the Fourth Schedule to this Act has effect;

" ship ", " vessel ", and " harbour " have the same meanings as in the Merchant Shipping Act, 1894;

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

" 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;

" work of engineering construction " means the construction of any railway line or siding otherwise than upon an existing railway, and the construction, structural alteration or repair (including re-pointing and re-painting) or the demolition of any dock, harbour, inland navigation, tunnel, bridge, viaduct, waterworks, reservoir, pipe-line, aqueduct, sewer, sewage works, or gasholder, except where carried on upon a railway or tramway, and includes such other works as may be specified by regulations of the Minister;

" 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, except that a woman employed solely in cleaning a factory or any part thereof, otherwise than in cleaning which is incidental to or connected with any process, shall not be deemed for the purposes of Part VI of this Act to be employed in the factory.

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- (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 the provisions of Part VI of this Act shall not apply, except as expressly provided, 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.
- (8) This Act shall in its application to London have effect as if for references to district councils there were substituted, as respects the City of London references to the common council, and as respects the remainder of the administrative county of London, references to metropolitan borough councils.
- (9) References in this Act to any enactment shall be construed as references to that enactment as amended by any subsequent enactment, including this Act.