



Factories Act 1961

1961 CHAPTER 34 9 and 10 Eliz 2

PART IV

HEALTH, SAFETY AND WELFARE (SPECIAL PROVISIONS AND REGULATIONS)

Special provisions

[^{F1}69] **Underground rooms.**

- (1) The inspector for the district may certify any underground room as unsuitable for work other than work involved in the use of the room for the purpose of storage or such other purpose as the Minister may by order specify, and where such a certificate is in force with respect to any room no work for which it is certified as unsuitable shall be carried on in it.
- (2) Where the inspector certifies as unsuitable any room which is in actual use, he shall suspend the operation of the certificate for such period as he considers reasonable with a view to enabling the occupier to render the room suitable or to obtain other premises.
- (3) Except in the case of a room which on the first day of July, nineteen hundred and thirty-eight was part of a factory (within the meaning of the ^{M1}Factories Act 1937, as originally enacted) and was used for work for which it may be certified as unsuitable under this section, the occupier of an underground room—
 - (a) shall, before the room is used for work for which it may be certified as unsuitable under this section, give notice in the prescribed form and containing the prescribed particulars to the inspector for the district; and
 - (b) shall not use the room for any such process as may be prescribed, being a process of a hot, wet or dusty nature or which is liable to give off any fume, without the consent in writing of the inspector for the district.
- (4) If the occupier is aggrieved by any decision of an inspector under this section, he may, within twenty-one days of the date of issue of the certificate or the refusal of the consent, as the case may be, appeal to a magistrates' court, or, in Scotland, the sheriff, and, pending the final determination of an appeal against a decision under

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 for the Factories Act 1961, Section 69. (See end of Document for details)*

subsection (1) of this section in the case of a room in actual use, no offence shall be deemed to be committed under that subsection in respect of the room to which the appeal relates.

(5) In this section—

“underground room” means any room which, or any part of which, is so situate that at least half its height, measured from the floor to the ceiling, is below the surface of the footway of the adjoining street or of the ground adjoining or nearest to the room; and

“unsuitable” means unsuitable as regards construction, height, light or ventilation, or on any hygienic ground, or on the ground that adequate means of escape in case of fire are not provided.

(6) Any certificate issued under this section may be withdrawn by the inspector for the district if such alterations are made as in his opinion to render the room suitable.]

Textual Amendments

F1 [S. 69](#) 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\(2\)](#)).

Modifications etc. (not altering text)

C1 Reference to Minister in [s. 69\(1\)](#), in so far as it enables orders to be made otherwise than by statutory instrument, to be construed as reference to the Health and Safety Executive: [S.I. 1974/1941](#), [reg. 7](#), [Sch. 1](#)

Marginal Citations

M1 [1937 c. 67](#).

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