

SCHEDULE 2

Regulation 2(b)

MODIFICATIONS—THE FACTORIES ACT 1961

1. Sections 11(2), 13(5), 48(9), 51(6), 69(1), 89(7)(b), 96, 101(b), 117, 131(2) and 173(1), in so far as they enable orders to be made otherwise than by statutory instrument, shall have effect as if the references to the Secretary of State were references to the Health and Safety Executive.
2. Sections 33, 50, 51, 117 and 123 shall have effect as if the references to special regulations were references to regulations.
3. In section 32(2)(d), for the words “forty pounds per square inch” there shall be substituted the words “2.75 bars”.
4. In sections 80(3), 82(2), 98(2), 129(6), 133(5), 138(4) and 158, after the word “liable” there shall be inserted the words “on summary conviction”.
5. In section 82(1), for the words from “addressed to” to “London” there shall be substituted the words “to the Health and Safety Executive”.
6. In section 97, subsections (1) and (5) to (8) shall have effect as if the references to the Secretary of State were references to the Health and Safety Executive.
7. In section 97(4), after the words “under this section, and”, there shall be inserted the words “the Health and Safety Executive”.
8. In section 98, subsections (1) and (3) shall have effect as if the references to the Secretary of State were references to the Health and Safety Executive.
9. In sections 125(2)(j), 127(2)(j), (3) and (5) and 139, the references to special regulations shall have effect as if they were references to regulations made before the coming into operation of these Regulations in accordance with the provisions (now repealed) of Schedule 4 to the 1961 Act or in accordance with provisions superseded by the provisions of that Schedule and (except in section 127(3)) any regulations made after that date under sections 33, 50, 51, 117 or 123.
10. In section 130(1), for the words “liable to a fine not exceeding three pounds” there shall be substituted the words “liable on summary conviction to a fine not exceeding £400”.
11. In section 173(2), for the words “The powers conferred by this Act on” there shall be substituted the words “The duties under this Act of”.
12. In section 176(1), for the definition of “inspector” there shall be substituted the following definition:—

““inspector” means an inspector appointed by the Health and Safety Executive under section 19 of the Health and Safety at Work etc. Act 1974 and references in any provision of this Act to the inspector for the district, the superintending inspector for the division or the chief inspector are references to an inspector so appointed for the purposes of that provision.”
13. In section 180(4) there shall be added, at the end, the following words:—

“and the provisions of section 50 of the Health and Safety at Work etc. Act 1974 shall apply to any such power which is exercisable by statutory instrument as they apply to a power to make regulations.”
14. In section 182, for subsection (9) there shall be substituted the following subsection:—

“(9) Any powers exercisable by an inspector appointed by a county or town council (or, on or after 16th May 1975, by an islands or district council) under section 19 of the Health and Safety at Work etc. Act 1974 shall, for the purposes of their duties under the Public Health (Scotland) Act 1897, extend to factories within the meaning of that Act.”