



Offices, Shops and Railway Premises Act 1963

1963 CHAPTER 41

General Provisions

79^{F1}

Textual Amendments

F1 27(1)(2), 47, 51, 79 repealed by [S.I. 1975/1011](#), [Sch.](#)

80 Regulations and orders.

- (1) Any regulations or orders made under this Act by the Minister . . .^{F2} shall be made by statutory instrument.
- (2) A statutory instrument containing regulations under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Any power conferred by this Act to make regulations and any power conferred by or by virtue of this Act to make an order . . .^{F2} shall respectively include power to make different provision in relation to different circumstances.
- (4) Any power conferred by this Act to prescribe standards or impose requirements shall include power to do so by reference to the approval of [^{F3}the Health and Safety Executive].
- (5)^{F4}
- (7) Any power conferred by or by virtue of this Act to make an order shall include power to vary or revoke the order by a subsequent order [^{F5}and the provisions of section 50 of the ^{M1}Health and Safety at Work etc. Act 1974 shall apply to any such power as they apply to a power to make regulations.]

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Offices, Shops and Railway Premises Act 1963, Cross Heading: General Provisions. (See end of Document for details)

(8) F4

Textual Amendments

- F2** Words repealed by S.I. 1974/1943, reg. 4, **Sch. 1**
- F3** Words substituted by S.I. 1974/1943, **Sch. 2 para. 13**
- F4** Ss. 3(3), 4(3), 6(5), 7(2), 8(2), 9(3)(4), 10(3)(4), 12(3), 20–22, 23(2), 25, 26, 27(3), 42(8)–(10), 43(6)–(8), 45, 46(12)(14), 49(2), 50, 54, 56–58, 61, 62, 65, 66, 68, 70(2)–(4), 71(1), 74(2)–(4), 75(2), 80(5) (6)(8), 81, Sch. 1 repealed by S.I. 1974/1943, reg. 4, **Sch. 1**
- F5** Words added by S.I. 1974/1943, **Sch. 2 para. 14**

Marginal Citations

- M1** 1974 c. 37.

81 F6

Textual Amendments

- F6** Ss. 3(3), 4(3), 6(5), 7(2), 8(2), 9(3)(4), 10(3)(4), 12(3), 20–22, 23(2), 25, 26, 27(3), 42(8)–(10), 43(6)–(8), 45, 46(12)(14), 49(2), 50, 54, 56–58, 61, 62, 65, 66, 68, 70(2)–(4), 71(1), 74(2)–(4), 75(2), 80(5) (6)(8), 81, Sch. 1 repealed by S.I. 1974/1943, reg. 4, **Sch. 1**

82 Expenses and receipts.

- (1) There shall be defrayed out of moneys provided by Parliament—
 - (a) any expenses incurred by the Minister in carrying this Act into effect;
 - (b) any increase attributable to this Act in the expenses of the Minister of Power which, by virtue of section 3(3) of the ^{M2}Ministry of Fuel and Power Act 1945, are defrayed out of moneys so provided;
 - (c) any increase attributable to this Act in the sums payable by way of General Grant, Rate Deficiency Grant or Exchequer Equalisation Grant under the enactments relating to local government in England and Wales or in Scotland.
- (2) Any sums received under this Act by the Minister shall be paid into the Exchequer.

Marginal Citations

- M2** 1945 c. 19.

83 Application to the Crown.

- (1) The following provisions of this Act, namely sections 4 to [F7 19], 23, 24, 27, . . . F8 42 and 43 shall, in so far as they impose duties failure to comply with which might give rise to a liability in tort, be binding upon the Crown, and accordingly, for the purposes of those provisions and regulations under any of them, persons in the service of the Crown shall be taken to be employed if, apart from this subsection, they would not be so taken.

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

Changes to legislation: There are currently no known outstanding effects for the Offices, Shops and Railway Premises Act 1963, Cross Heading: General Provisions. (See end of Document for details)

- (2) Section 24(7) of this Act shall, in its application to premises occupied by the Crown, have effect with the substitution, for the reference to the authority having power to enforce compliance with the foregoing provisions of that section, of a reference [F9 to the Health and Safety Executive].
- (3) F10
- (4) Section 46 of this Act shall, in the case of premises occupied by the Crown, have effect as if, for any reference to an authority having power to enforce any provision of this Act, there were substituted a reference [F9 to the Health and Safety Executive] and as if the words in subsection (3) from “and are further satisfied” onwards, and [F11 subsections (5) to (13)], had been omitted; . . . F12
- (5) F13
- (6) The reference in subsection (1) of this section to a liability in tort shall be construed as not including such a liability towards a member of the armed forces of the Crown, and the reference in that subsection to persons in the service of the Crown shall be construed as not including any such member.
- (7) In the application of this section to Scotland any reference to a liability in tort shall be construed as a reference to a liability in reparation arising from any wrongful or negligent act or omission.

Textual Amendments

- F7 Words substituted by virtue of S.I. 1975/1011, **reg. 2(b)**
- F8 Words repealed by S.I. 1976/2005, **Sch.**
- F9 Words substituted by virtue of S.I. 1974/1943, **Sch. 2 para. 15(a)**
- F10 28–41, 42(11)(12)(14)–(16), 43(9)(10)(12)–(14), 60(1), 71(2), 76(1)(2), 83(3) repealed by S.I. 1976/2005, **Sch.**
- F11 Words substituted by S.I. 1974/1943, **Sch. 2 para. 15(c)**
- F12 Words repealed by S.I. 1974/1943, **reg. 4, Sch. 1**
- F13 S. 83(5) repealed by S.I. 1989/1903, **reg. 7(1)**

84 Exclusion of application to visiting forces.

- (1) This Act shall not operate to create, towards a member of the naval, military or air forces of a country to which this section applies, a liability in tort against the Government of that country in respect of anything done or omitted by it or against another member of those forces in respect of anything done or omitted by him in the course of his duty.
- (2) [F14(2) This section applies to India, [F15Pakistan,] Ghana, the Federation of Malaya, the Republic of Cyprus, Tanganyika, Zambia, Botswana, Lesotho, Singapore, Swaziland, Tonga, Bangladesh, Western Samoa, Nauru, the New Hebrides [F16, Brunei, Maldives][F17, Namibia]and any country designated for the purposes of any provision of the M3Visiting Forces Act 1952 by Order in Council under section 1(2) of that Act.]
- [F18(2A) This Act shall not operate to create towards a member of a headquarters or organisaion designated for the purposes of the M4International Headquarters and Defence Organisations Act 1964 who is a member of the naval, military or air forces of any country a liability in tort against the headquarters or organisation in respect

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

Changes to legislation: There are currently no known outstanding effects for the Offices, Shops and Railway Premises Act 1963, Cross Heading: General Provisions. (See end of Document for details)

of anything done or omitted by it or against another member thereof in respect of anything done or omitted by him in the course of his duty.]

Textual Amendments

- F14** S. 84(2) reproduced as amended by enactments listed in the [Chronological Table of the Statutes and Papua New Guinea, Western Samoa and Nauru \(Miscellaneous Provisions\) Act 1980 \(c. 2\)](#), [Sch. para. 13](#) and [New Hebrides Act 1980 \(c. 16\)](#), [Sch. 1 para. 8](#)
- F15** Word inserted by [Pakistan Act 1990 \(c. 14, SIF 26:30\)](#), s. 1, [Sch. para. 6](#)
- F16** Words inserted by [Brunei and Maldives Act 1985 \(c. 3, SIF 26:9A\)](#), s. 1, [Sch. para. 7](#)
- F17** Words in s. 84(2) inserted (retrospective to 21. 3. 1990) by [Namibia Act 1991 \(c. 4, SIF 26:25A\)](#), s. 1, [Sch. para. 5](#) (with s. 2(2))
- F18** S. 84(2A) inserted by [S.I. 1965/1536](#), [Sch. 3](#)

Marginal Citations

- M3** 1952 c. 67.
- M4** 1964 c. 5.

85 Exclusion of application to factories, to certain fish sale-rooms and to parts below ground of mines.

- (1)^{F19} nothing in this Act shall apply to any premises which, for the purposes of the ^{M5}Factories Act 1961, form part of a factory.
- (2) With the exception of section 75(3) of this Act, nothing in this Act shall apply to any premises which, not being office premises, are used for the sale of fish by wholesale and constitute, or are comprised in, premises to which certain provisions of the Factories Act 1961 apply by virtue of section 125(1) (docks, etc.) of that Act.
- (3) Nothing in this Act shall apply to any part below ground of premises which, for the purposes of the ^{M6}Mines and Quarries Act 1954, are a mine.

Textual Amendments

- F19** Words repealed by [S.I. 1974/1943, reg. 4, Sch. 1](#)

Marginal Citations

- M5** 1961 c. 34.
- M6** 1954 c. 70.

86 Exclusion of application to premises occupied for transitory purposes.

- (1) It shall be a defence in any legal proceedings to recover damages and in any prosecution, in so far as the proceedings or prosecution are or is based on an allegation of a contravention, in relation to any premises, of a provision of this Act or regulations thereunder, to prove that at the time of the alleged contravention the premises were occupied for a purpose that was accomplished before the expiration of a period beginning with the day on which they were occupied for that purpose and of such of the following lengths as is applicable to the circumstances of the case, that is to say, six months if the premises consist of a movable structure, and six weeks if not.

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

Changes to legislation: There are currently no known outstanding effects for the Offices, Shops and Railway Premises Act 1963, Cross Heading: General Provisions. (See end of Document for details)

- (2) The foregoing subsection shall not apply to a prosecution for an offence consisting in a failure to comply with an obligation imposed under section 49(1) of this Act to notify the appropriate authority that persons would be employed to work in any premises; but in any such prosecution it shall be a defence to prove that the persons in question were employed to work in the premises while they were occupied as mentioned in the foregoing subsection.

Status:

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

Changes to legislation:

There are currently no known outstanding effects for the Offices, Shops and Railway Premises Act 1963, Cross Heading: General Provisions.