



Factories Act 1937

1937 CHAPTER 67 1 Edw 8 and 1 Geo 6

PART XII

SUPPLEMENTARY.

Offences, Penalties and Legal Proceedings.

140 Prosecution of offences and recovery and application of fines.

- (1) All offences under this Act shall be prosecuted and all fines under this Act shall be recovered summarily.
- (2) In any proceedings under this Act it shall be sufficient in the information to allege that the factory is a factory within the meaning of this Act and to state the name of the ostensible occupier of the factory, or, where the occupier is a firm, the title of the firm.
- (3) The court shall in any proceedings under this Act, if required by either party, cause minutes of the evidence to be taken and preserved.
- (4) Where, with respect to or in consequence of any accident in a factory, a report is made by the court appointed to hold a formal investigation under this Act or under the Boiler Explosions Acts, 1882 and 1890, or a coroner's inquest is held, and it appears from the report, or from the proceedings at the inquest, that any of the provisions of this Act, or any orders or regulations made thereunder, were not complied with at or before the time of the accident, summary proceedings against any person liable to be proceeded against in respect, of such noncompliance may be commenced at any time within three months after the making of the report or the conclusion of the inquest.
- (5) Where any offence is committed under this Act by reason of a failure to make an examination, enter a report, or do any other thing, at or within a time specified by this Act or any regulation or order made thereunder, the offence shall be deemed to continue until the examination is made, or the report entered, or the other thing done, as the case may be.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (6) Subject to the provisions of section five of the Criminal Justice Administration Act, 1914, all fines imposed under this Act shall, save as otherwise expressly provided for by this Act, be paid into the Exchequer.
- (7) Where a proceeding is taken before a court of summary jurisdiction with respect to an offence under this Act alleged to be committed in or with reference to a factory, no person shall be qualified to act as a member of the court who is the occupier or owner of the factory, or the husband, wife, parent, son, daughter, brother, or sister of the occupier or owner of the factory, or a person engaged in, or an officer of any association of persons engaged in, the same trade or occupation as any person charged with the offence.