



# Factories Act 1961

1961 CHAPTER 34 9 and 10 Eliz 2

## PART IV

HEALTH, SAFETY AND WELFARE (SPECIAL PROVISIONS AND REGULATIONS)

### *Special provisions*

63, 64. ....<sup>F1</sup>

#### Textual Amendments

**F1** Ss. 63, 64, 67, 77, 78, repealed by S.I. 1988/1657, reg. 19(1), **Sch. 8 Pt. II**

<sup>F2</sup>65 .....

#### Textual Amendments

**F2** S. 65 repealed (1.1.1993) by S.I. 1992/2966, **reg. 14(2)**.

66 .....<sup>F3</sup>

#### Textual Amendments

**F3** Ss. 1(5), 2(4), 3(3), 4(2), 5(2), 7(2), 9, 10, 14(3)(4)(6), 17(3)–(5), 18(5)(6), 25(4), 53–55, 58(2)–(4), 59(2)(3), 62, 66, 70, 71, 72(2), 73(2), 76, 81, 83, 121(7), 122(6), 124(2)(3), 129(1), 134, 137(5), 142, 145, 149, 150, 153(3), 159, 164(3), 174(2), 177, 179, 180(5)(7)(8)(10), 181(2), 182(5)(6), Schs. 3, 4 repealed by S.I. 1974/1941, reg. 7, **Sch. 1**

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Changes to legislation: There are currently no known outstanding effects for the  
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67 ..... F4

**Textual Amendments**  
F4 Ss. 63, 64, 67, 77, 78, repealed by S.I. 1988/1657, reg. 19(1), Sch. 8 Pt. II

**68 Humid factories.**

- (1) The occupier of every humid factory shall, on or before the first occasion on which artificial humidity is produced at that factory, give notice thereof in writing to the inspector for the district.
- (2) The following provisions of this section shall have effect with respect to every humid factory with respect to which regulations under this Act concerning humidity are not for the time being in force.

[<sup>F5</sup>(2A) In this section, unless the context otherwise requires—

“dry bulb temperature” means the temperature measured by an accurate and properly maintained thermometer (which may form part of the hygrometer) and any reference in this section to a dry bulb thermometer, or without qualification to a thermometer, shall be taken to be a reference to such a thermometer and a reference without qualification to temperature shall be taken to be a reference to the dry bulb temperature;

“hygrometer” means an accurate and properly maintained and calibrated instrument for the measurement of the relative humidity in the work-place;

“wet bulb temperature” means either—

- (a) the temperature indicated by the wet bulb of a static hygrometer which relies on natural circulation of air around the thermometers; or
- (b) the temperature calculated from the dry bulb temperature and relative humidity by the method approved for the time being by the Health and Safety Executive,

and any reference in this section to the reading of the wet bulb thermometer shall be taken to be a reference to the wet bulb temperature.]

- (3) There shall be provided and maintained in every room in which artificial humidity is produced two hygrometers [<sup>F6</sup>and a thermometer close to each hygrometer]. . . , and—

- (a) one of the hygrometers shall be [<sup>F7</sup>placed] in the centre and the other at the side of the room, or in such other position as may be directed or sanctioned by an inspector, so as to be plainly visible to the persons employed;

<sup>F8</sup>(b) .....

- (c) the occupier or other person authorised for the purpose shall read the hygrometers [<sup>F9</sup>and the thermometers] between ten and eleven o’clock in the morning on every day on which any persons are employed in the room in the morning and between three and four o’clock in the afternoon on every day on which any persons are employed in the room in the afternoon, and when persons are employed before six o’clock in the morning or after eight o’clock in the evening, at such other times as may be directed by the inspector for the district, and shall enter the readings on a record <sup>F10</sup>. . . ;

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- [<sup>F11</sup>(d) the records of the wet bulb temperature or temperature and hygrometer readings shall be kept by the occupier for at least two years from when they were made and the occupier shall give his employees immediate access to those records on request together with such information as is necessary for their interpretation.]
- (4) There shall be no artificial humidification in any room at any time when the reading of the wet bulb thermometer exceeds [<sup>F12</sup>22.5 degrees Celsius], or, in the case of a room in which the spinning of cotton or the spinning of merino or cashmere by the French or dry process or the spinning or combing of wool by that process is carried on, [<sup>F12</sup>26.5 degrees Celsius] .
- (5) There shall be no artificial humidification in any room at any time when the difference between the readings of the dry and wet bulb thermometers is less than that indicated [<sup>F13</sup>in Schedule 1 to this Act.]
- (6) No water which is liable to cause injury to the health of the persons employed, or to yield effluvia, shall be used for artificial humidification, and for the purposes of this subsection any water which absorbs from acid solution of permanganate of potash in four hours at [<sup>F14</sup>16 degrees Celsius] more than [<sup>F14</sup>7 milligrams] of oxygen [<sup>F14</sup>per litre of water] shall be deemed to be liable to cause injury to the health of the persons employed.
- (7) The chief inspector may direct in writing, in the case of any factory or any room in a factory, that only one hygrometer, [<sup>F15</sup>and one thermometer close to it placed] in such position as may be directed by an inspector, need be provided instead of two hygrometers [<sup>F15</sup>and thermometers placed] as mentioned in paragraph (a) of subsection (3) of this section.
- (8) Where in respect of any room notice has been given in the prescribed manner to the inspector for the district that it is intended that the humidity of the atmosphere should never be greater than will maintain a difference of at least [<sup>F12</sup>2 degrees Celsius] between the readings of the dry and wet bulb thermometers, the provisions of paragraphs (c) and (d) of subsection (3) of this section shall not apply as respects that room so long as at least that difference is maintained <sup>F16</sup>. . .

#### Textual Amendments

- F5** S. 68(2A) inserted (10.9.1992) by S.I. 1992/1811, reg. 6(2).
- F6** Words in s. 68(3) inserted (10.9.1992) by S.I. 1992/1811, reg. 6(3)(a).
- F7** Word in s. 68(3)(a) substituted (10.9.1992) by S.I. 1992/1811, reg. 6(3)(b).
- F8** S. 68(3)(b) repealed (10.9.1992) by S.I. 1992/1811, reg. 6(3)(c).
- F9** Words in s. 68(3)(c) inserted (10.9.1992) by S.I. 1992/1811, reg. 6(3)(d).
- F10** Words in s. 68(3)(c) repealed (10.9.1992) by S.I. 1992/1811, reg. 6(3)(d).
- F11** S. 68(3)(d) substituted (10.9.1992) by S.I. 1992/1811, reg. 6(3)(e).
- F12** Words substituted (with saving) by S.I. 1983/978, regs. 3, 4, Sch. 1
- F13** Words in s. 68(5) substituted (10.9.1992) by S.I. 1992/1811, reg. 6(4).
- F14** Words substituted by S.I. 1983/978, regs. 3, 4, Sch. 1
- F15** Words in s. 68(7) substituted (10.9.1992) by S.I. 1992/1811, reg. 6(5)(a)(b).
- F16** Words in s. 68(8) repealed (10.9.1992) by S.I. 1992/1811, reg. 6(6).

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## [<sup>F17</sup>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 <sup>M1</sup>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 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

**F17** 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**

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**Marginal Citations**

**M1** 1937 c. 67.

**70, 71.** ..... **F18**

**Textual Amendments**

**F18** Ss. 1(5), 2(4), 3(3), 4(2), 5(2), 7(2), 9, 10, 14(3)(4)(6), 17(3)–(5), 18(5)(6), 25(4), 53–55, 58(2)–(4), 59(2)(3), 62, 66, 70, 71, 72(2), 73(2), 76, 81, 83, 121(7), 122(6), 124(2)(3), 129(1), 134, 137(5), 142, 145, 149, 150, 153(3), 159, 164(3), 174(2), 177, 179, 180(5)(7)(8)(10), 181(2), 182(5)(6), Schs. 3, 4 repealed by S.I. 1974/1941, reg. 7, **Sch. 1**

**F19**<sup>72</sup> .....

**Textual Amendments**

**F19** S. 72 repealed (1.1.1993) by S.I. 1992/2793, reg. 8(1), **Sch. 2 Pt.I.**

**73**  
(1) ..... **F20**  
(2) ..... **F21**

**Textual Amendments**

**F20** S. 73(1) repealed by **Employment Act 1989 (c. 38, SIF 43:1)**, ss. 10(1)(b), 29(4), Sch. 3 Pt. I, **Sch. 7 Pt. II**  
**F21** Ss. 1(5), 2(4), 3(3), 4(2), 5(2), 7(2), 9, 10, 14(3)(4)(6), 17(3)–(5), 18(5)(6), 25(4), 53–55, 58(2)–(4), 59(2)(3), 62, 66, 70, 71, 72(2), 73(2), 76, 81, 83, 121(7), 122(6), 124(2)(3), 129(1), 134, 137(5), 142, 145, 149, 150, 153(3), 159, 164(3), 174(2), 177, 179, 180(5)(7)(8)(10), 181(2), 182(5)(6), Schs. 3, 4 repealed by S.I. 1974/1941, reg. 7, **Sch. 1**

**74 Prohibition of employment of women and young persons in certain processes connected with lead manufacture.**

A woman or young person shall not be employed in any factory in any of the following operations:—

- (a) work at a furnace where the reduction or treatment of zinc or lead ores is carried on;
- (b) the manipulation, treatment or reduction of ashes containing lead, the desilverising of lead, or the melting of scrap lead or zinc;
- (c) the manufacture of solder or alloys containing more than ten per cent. of lead;
- (d) the manufacture of any oxide, carbonate, sulphate, chromate, acetate, nitrate, or silicate of lead;
- (e) mixing or pasting in connection with the manufacture or repair of electric accumulators;

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- (f) the cleaning of workrooms where any of the processes aforesaid are carried on.

75 ..... F22

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**Textual Amendments**  
**F22** S. 75 repealed by S.I. 1980/1248, Sch. 1

76 ..... F23

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**Textual Amendments**  
**F23** Ss. 1(5), 2(4), 3(3), 4(2), 5(2), 7(2), 9, 10, 14(3)(4)(6), 17(3)–(5), 18(5)(6), 25(4), 53–55, 58(2)–(4), 59(2)(3), 62, 66, 70, 71, 72(2), 73(2), 76, 81, 83, 121(7), 122(6), 124(2)(3), 129(1), 134, 137(5), 142, 145, 149, 150, 153(3), 159, 164(3), 174(2), 177, 179, 180(5)(7)(8)(10), 181(2), 182(5)(6), Schs. 3, 4 repealed by S.I. 1974/1941, reg. 7, Sch. 1

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