



# Factories Act 1961

1961 CHAPTER 34 9 and 10 Eliz 2

## PART VII

### SPECIAL APPLICATIONS AND EXTENSIONS

#### *Factories occupying parts of buildings*

120 .....<sup>F1</sup>

#### Textual Amendments

**F1** Ss. 40–52, 120, 140(2), 148, 165, repealed by S.I. 1976/2004, Sch.

#### 121 Tenement factories—other provisions.

(1) Subject to the following provisions of this section, the owner (whether or not he is one of the occupiers) of a tenement factory shall, instead of the occupier, be responsible for any contravention of the following provisions of this Act, that is to say—

- (a) the provisions of Part I with respect to the drainage of floors, sanitary conveniences, cleanliness, overcrowding, temperature, ventilation and lighting;
- (b) the provisions of Part II with respect to the provision and maintenance of fencing and safety appliances, the construction, maintenance, testing and examination of machinery or plant, the construction and maintenance of floors, passages and stairs, ...<sup>F2</sup>;
- (c) the provisions of Part III;
- (d) .....<sup>F3</sup>
- (e) the provisions of Part V;
- (f) .....<sup>F4F5</sup> .....
- <sup>F6</sup>(g) .....

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and for the purposes of those provisions the whole of a tenement factory shall be deemed to be one factory in the occupation of the owner.

- (2) Subsection (1) of this section does not apply to any contravention arising from the use in a tenement of any fencing, appliances, machinery or plant, if the use is a matter outside the control of the owner.
- (3) Subsection (1) of this section does not apply to a contravention in rooms occupied by only one tenant—
- (a) of the provisions of Part I with respect to cleanliness, overcrowding, temperature, ventilation and lighting; or
- (b) .....<sup>F3</sup>
- unless the contravention arises from a failure to carry out any necessary structural work or from any defect in any machinery, plant or fixtures belonging to the owner; and does not apply to a contravention in any such room of the provisions of Part V.
- (4) Subsection (1) of this section does not apply to a contravention of the provisions of Part III unless it arises from any such failure or defect as is mentioned in subsection (3) of this section.
- (5) .....<sup>F7</sup>
- (6) The provisions of this Act shall, so far as they are applicable and have not been applied by the foregoing provisions of this section, apply to any part of a tenement factory which is not comprised within any of the separate factories as if that part were a factory and the owner were the occupier thereof.
- (7) .....<sup>F8</sup>

#### Textual Amendments

- F2** Words repealed by S.I. 1974/1941, reg. 7, **Sch. 1**
- F3** S. 121(1)(d)(3)(b) repealed by S.I. 1988/1657, reg. 19(1)(b), **Sch. 8 Pt. II**
- F4** Words repealed by **Employment Act 1989** (c. 38, SIF 43:1), s. 29(4), **Sch. 7 Pt. II**
- F5** Word in s. 121(1)(f) repealed (1.1.1996) by S.I. 1995/2923, reg. 3(1), **Sch. Pt. I**
- F6** S. 121(1)(g) repealed (1.1.1996) by S.I. 1995/2923, reg. 3(1), **Sch. Pt. I**
- F7** Ss. 121(5), 126(2)(f) repealed by **Employment Act 1989** (c. 38, SIF 43:1), s. 29(4), **Sch. 7 Pt. II**
- F8** 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**

## 122 Parts of buildings let off as separate factories—other provisions.

- (1) Where a part of a building is let off as a separate factory but is not part of a tenement factory,—
- (a) the provisions of this Act specified in paragraphs (a) and (b) of subsection (2) of this section shall apply to any part of the building used for the purposes of the factory but not comprised therein;
- (b) subject to subsections (4) and (5) of this section, the owner of the building shall be responsible for any contravention of the provisions specified in the said paragraph (a) as so applying; and

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- (c) subject to subsection (5) of this section, the owner of the building shall be responsible, instead of the occupier, for any contravention as respects the factory, of the provisions specified in paragraph (c) of subsection (2) of this section.
- (2) The said provisions are—
  - (a) the provisions of Part I with respect to cleanliness and lighting, and the provisions of Part II with respect to prime movers, transmission machinery, hoists and lifts, chains, ropes and lifting tackle, cranes and other lifting machines, the construction and maintenance of floors, passages and stairs, the keeping free from obstruction and slippery substances of floors, steps, stairs, passages and gangways, [<sup>F9</sup>and with respect to steam boilers, steam receivers and steam containers, and air receivers];
  - (b) .....<sup>F10</sup>
  - (c) the provisions of Part I with respect to sanitary conveniences and the provisions of Part II with respect to hoists and lifts.
- (3) For the purposes of the provisions applied by the foregoing provisions of this section, lifting machines attached to the outside of the building, and chains, ropes and lifting tackle used in connection with those machines, shall be treated as being in the building, but any lifting machine not used for the purposes of the factory, and any chains, ropes or lifting tackle not used in connection with a lifting machine so used, shall be disregarded.
- (4) For any contravention (whether as respects the factory or otherwise) of the provisions of Part II with respect to chains, ropes and lifting tackle, cranes and other lifting machines, [<sup>F9</sup>steam boilers, steam receivers and steam containers, and air receivers]—
  - (a) the occupier of the factory shall be responsible if it is a contravention with respect to any machinery or plant belonging to or supplied by him; and
  - (b) the owner of the building shall be responsible in any other case;except that the owner shall not be responsible for a contravention of those provisions in so far as they relate to matters outside his control, and for any such contravention as respects the factory the occupier shall be responsible.
- (5) The owner shall be responsible by virtue of this section—
  - (a) for the cleanliness of sanitary conveniences only when used in common by several tenants; and
  - (b) for a contravention of the provisions relating to hoists and lifts only so far as those provisions relate to matters within his control.
- (6) .....<sup>F11</sup>
- (7) Any reference in the provisions applied by the foregoing provisions of this section to the general register shall, in relation to matters in respect of which the owner of the building is responsible, be construed as a reference to a register to be kept by him, . . .<sup>F12</sup>

**Textual Amendments**

**F9** Words repealed (1.7.1994) by S.I. 1989/2169, reg. 26, Sch. 6, Pt. I

**F10** S. 122(2)(b) repealed by S.I. 1974/1941, reg. 7, Sch. 1

**F11** 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,

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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**

**F12** Words repealed by S.I. 1974/1941, reg. 7, **Sch. 1**

### *Electrical stations*

#### **123 Application of Act to electrical stations.**

- (1) The provisions of this Act shall apply to any premises in which persons are regularly employed in or in connection with the processes or operations of generating, transforming or converting, or of switching, controlling or otherwise regulating, electrical energy for supply by way of trade, or for supply for the purposes of any transport undertaking or other industrial or commercial undertaking or of any public building or public institution, or for supply to streets or other public places, as if the premises were a factory and the employer of any person employed in the premises in or in connection with any such process or operation were the occupier of a factory.
- (2) Where any such process or operation is carried on or performed for such a supply as is mentioned in subsection (1) of this section but in other premises than those mentioned therein, then, if the premises are large enough to admit the entrance of a person after the machinery or plant therein is in position, the following provisions of this Act shall apply to the premises as if they were a factory and the employer of any person employed therein in or in connection with any such process or operation were the occupier of the factory, that is to say,—
- (a) the provisions of sections fifty and fifty-one so far as they enable the Minister to make regulations;
  - (b) ..... **F13**
  - (c) Part V;
  - (d) ..... **F13**
  - (e) Part XII;
  - (f) Part XIII;
  - (g) Part XIV.
- (3) The Minister may by [<sup>F14</sup>regulations] apply any of the provisions mentioned in subsection (2) of this section to any machinery or plant used—
- (a) in such processes or operations as are mentioned in subsection (1) of this section and for such a supply as is mentioned therein; but
  - (b) elsewhere than in such premises as are mentioned in subsection (1) or subsection (2) of this section,
- as if the machinery or plant were machinery or plant in a factory, and the employer of any person employed in connection with any such use of the machinery or plant were the occupier of a factory.
- (4) Subsections (1) and (2) of this section shall not, except in so far as the Minister may by [<sup>F14</sup>regulations] direct, apply to any premises where the said processes or operations are only carried on or performed for the immediate purpose of working an electric motor or working any apparatus which consumes electrical energy for lighting, heating, transmitting or receiving messages or communications, or other purposes.

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**Textual Amendments**

**F13** S. 123(2)(b)(d) repealed by S.I. 1974/1941, reg. 7, **Sch. 1**

**F14** Word substituted by virtue of S.I. 1974/1941, **Sch. 2 para. 2**

**Modifications etc. (not altering text)**

**C1** S. 123(1) amended by **Offices, Shops and Railway Premises Act 1963 (c. 41), s. 74(1)**

*Institutions*

**124 Institutions.**

(1) Where, in any premises forming part of an institution carried on for charitable or reformatory purposes, any manual labour is exercised in or incidental to the making, altering, repairing, ornamenting, finishing, washing, cleaning or adapting for sale, of articles not intended for the use of the institution, but the premises do not constitute a factory, the provisions of this Act shall nevertheless apply to the premises, . . . <sup>F15</sup>

(2) . . . . . <sup>F16</sup>

**Textual Amendments**

**F15** Words repealed by S.I. 1974/1941, reg. 7, **Sch. 1**

**F16** 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**

*Docks, wharves, quays, warehouses and ships*

**125 Docks, etc.**

(1) The provisions of this Act specified in subsection (2) of this section shall apply to every dock, wharf or quay (including any warehouse belonging to the owners, trustees or conservators of the dock, wharf or quay, and any line or siding used in connection with and for the purposes of the dock, wharf or quay and not forming part of a railway or tramway) and every other warehouse (not forming part of a factory) in or for the purposes of which mechanical power is used—

- (a) as if it were a factory; and
- (b) as if the person having the actual use or occupation of it or of any premises within it or forming part of it, were the occupier of a factory.

(2) The said provisions are:—

[<sup>F17</sup>(a) the provisions of Part II with respect to steam boilers, but with the modification that the owner of the boiler shall, instead of the person deemed to be the occupier, be responsible for any contravention of those provisions:]

(b) the provisions of sections fifty and fifty-one so far as they enable the Minister to make regulations;

(c) . . . . . <sup>F18</sup>

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- (f) Part V;
- (g) the provisions of Part VII with respect to premises where part of a building is a separate factory, subject to such modifications as may be made by regulations of the Minister;
- (h) .....<sup>F19</sup>
- (j) the provisions of Part X with respect to . . .<sup>F20F21</sup> . . . , general registers (so far as applicable), preservation of registers and records, but subject to such modifications as may be made by regulations of the Minister, . . .<sup>F22</sup>;
- (k) .....<sup>F23</sup>
- (l) Part XII; and
- (m) Part XIV.
- (3) Subject to subsection (4) of this section,—
- (a) the provisions of this Act mentioned in paragraph (a) (subject to the modification mentioned in that paragraph) and in paragraphs . . .<sup>F24</sup>, (f), . . .<sup>F22</sup>, (j), . . .<sup>F24</sup>, (l) and (m) of subsection (2) of this section;
- (b) .....<sup>F25</sup>
- shall apply to the process of loading, unloading or coaling of any ship in any dock, harbour or canal, and to all machinery or plant used in those processes, as if the processes were carried on in a factory and the machinery or plant were machinery or plant in a factory, and the person who carries on those processes were the occupier of a factory.
- [<sup>F26</sup>(4) Nothing in this section shall apply to any machinery or plant which is on board a ship and is the property of the ship owner or charterer, or is rented, leased or hired by him or his agent, or is being purchased by him or his agent under a hire-purchase agreement or a conditional sale agreement (each within the meaning of section 53 of the Health and Safety at Work etc. Act 1974).]
- (5) In subsections (3) and (4) of this section “plant” includes any gangway or ladder used by any person employed to load or unload or coal a ship.
- (6) The provisions of Part II of this Act with respect to prime movers, transmission machinery, other machinery, provisions as to unfenced machinery, construction and maintenance of fencing, construction and sale of new machinery, cleaning of machinery by women and young persons, training and supervision of young persons working at dangerous machines, hoists and lifts, chains, ropes and lifting tackle, cranes and other lifting machines, construction and maintenance of floors, passages and stairs, . . .<sup>F24</sup> shall apply to every warehouse mentioned in subsection (1) of this section as if the warehouse were a factory and the person having the actual use or occupation thereof were the occupier of a factory [<sup>F27</sup>], [<sup>F27</sup>] except that this subsection shall not operate to apply the provisions to chains, ropes and lifting tackle, cranes and other lifting machines, or to the construction and maintenance of floors, passages and stairs, in warehouses which are dock premises.]
- [<sup>F28</sup>(7) The provisions of Part II of this Act, and any regulations made under that Part, with respect to prime movers, transmission machinery, other machinery, provisions as to unfenced machinery, construction and maintenance of fencing, hoists and lifts shall apply to all dock premises as if the dock premises were a factory, and the person having the control of such matter were the occupier of the factory in respect of that matter.
- (8) The provisions of section 173 of this Act (application to Crown) shall apply to all dock premises as if the dock premises were a factory, but only for the purpose of applying

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to the Crown such provisions of this Act as are applied to docks, wharfs, quays and dock premises by virtue of the foregoing provisions of this section.

- (9) In subsections (6), (7) and (8) of this section “dock premises” means any dock, wharf, quay, jetty or other place at which ships load or unload goods or embark or disembark passengers, together with neighbouring land or water which is used or occupied, or intended to be used or occupied, for those or incidental activities, and any part of a ship when used for those or incidental activities.]

#### Textual Amendments

- F17** Ss. 32, 35, 36, 125, 127(2)(c) repealed (1.7.1994) by S.I. 1989/2169, reg. 26, **Sch. 6 Pt. I**
- F18** S. 125(2)(c)–(e) repealed by S.I. 1974/1941, reg. 7, **Sch. 1**
- F19** S. 125(2)(h) repealed by S.I. 1975/1012, **Sch.**
- F20** Words repealed by S.I. 1989/682, reg. 8(1), **Sch. Pt. I**
- F21** Words in s. 125(2)(j) repealed (1.1.1996) by S.I. 1995/2923, reg. 3(1), **Sch. Pt. I**
- F22** Words repealed by S.I. 1975/1012, **Sch.**
- F23** S. 125(2)(k) repealed by S.I. 1974/1941, reg. 7, **Sch. 1**
- F24** Words repealed by S.I. 1974/1941, reg. 7, **Sch. 1**
- F25** S. 125(3)(b) and preceding “and” repealed by Employment Medical Advisory Service Act 1972 (c. 28), **Sch. 3**
- F26** S. 125(4) substituted by S.I. 1988/1655, **regs. 2(1), 3, 23**, with application as mentioned in reg. 3
- F27** Words added and “,” substituted S.I. 1988/1655, **regs. 2(1), 3, 23**, with application as mentioned in reg. 3
- F28** S. 125(7)–(9) added by S.I. 1988/1655, **regs. 2(1), 3, 23**, with application as mentioned in reg. 3

#### Modifications etc. (not altering text)

- C2** S. 125 amended by Employment Medical Advisory Service Act 1972 (c. 28), **s. 8(1)**
- C3** S. 125(1) amended by Offices, Shops and Railway Premises Act 1963 (c. 41), **s. 75(1)(3)**
- C4** S. 125(2)(j) amended by S.I. 1974/1941, **Sch. 2 para. 9**

## 126 Ships.

- (1) Subject to subsection (3) of this section, the provisions of this Act specified in subsection (2) of this section shall apply to any work carried out in a harbour or wet dock in constructing, reconstructing, repairing, refitting, painting, finishing or breaking up a ship or in scaling, scurving or cleaning boilers (including combustion chambers and smoke boxes) in a ship, or in cleaning oil-fuel tanks or bilges in a ship or any tank in a ship last used for oil of any description carried as cargo or any tank or hold last used for any substance so carried of a description specified in regulations of the Minister as being of a dangerous or injurious nature; and for the purposes of those provisions as so applying the ship shall be deemed to be a factory, and any person undertaking the work shall be deemed to be the occupier of a factory.
- (2) The said provisions are:—
- (a) the provisions of sections fifty and fifty-one so far as they enable the Minister to make regulations;
  - (b) ..... **F29**
  - (e) Part V;
  - (f) ..... **F30**
  - (g) ..... **F31**

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- (h) ..... F32
- (j) the provisions of Part X with respect to general registers (so far as applicable), preservation of registers and records, . . . F33
- (k) ..... F34
- (l) Part XII;
- (m) Part XIV.

(3) Nothing in this Act shall apply to any such work as is mentioned in subsection (1) of this section which is done by the master or crew of a ship or done on board a ship during a trial run.

**Textual Amendments**

- F29** S. 126(2)(b)–(d) repealed by S.I. 1974/1941, reg. 7, **Sch. 1**
- F30** Ss. 121(5), 126(2)(f) repealed by Employment Act 1989 (c. 38, SIF 43:1), s. 29(4), **Sch. 7 Pt. II**
- F31** S. 126(2)(g) repealed by Employment Medical Advisory Service Act 1972 (c. 28), **Sch. 3**
- F32** S. 126(2)(h) repealed by S.I. 1975/1012, **Sch.**
- F33** Words repealed by S.I. 1975/1012, **Sch.**
- F34** S. 126(2)(k) repealed by S.I. 1974/1941, reg. 7, **Sch. 1**

**Modifications etc. (not altering text)**

- C5** S. 126 amended by Employment Medical Advisory Service Act 1972 (c. 28), **s. 8(1)**

*Works of building and engineering construction*

**127 Building operations and works of engineering construction.**

- (1) Subject to the following provisions of this section, the provisions of this Act specified in subsection (2) of this section shall apply—
- (a) to building operations; and
  - (b) to works of engineering construction;
- undertaken by way of trade or business, or for the purpose of any industrial or commercial undertaking, and to any line or siding which is used in connection therewith and for the purposes thereof and is not part of a railway or tramway.
- (2) The said provisions are:—
- (a) the provisions of Part I with respect to sanitary conveniences;
  - (b) the provisions of sections fifty and fifty-one so far as they enable the Minister to make regulations;
  - [<sup>F35</sup>(c) the provisions of Part II with respect to steam boilers and air receivers . . . <sup>F36</sup>]
  - (d) ..... <sup>F37</sup>
  - (f) Part V;
  - (g) ..... <sup>F38</sup>
  - (h) ..... <sup>F39</sup>
  - (j) the provisions of Part X with respect to . . . <sup>F40F41</sup> . . . , general registers (so far as applicable), preservation of registers and records, . . . <sup>F42</sup>
  - (k) the provisions of Part XI with respect to . . . <sup>F36</sup> duties of . . . <sup>F36</sup> district councils;
  - (l) Part XII;
  - (m) Part XIII;



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(n) Part XIV.

<sup>F43</sup>(3) .....

(4) The provisions of this Act in their application to building operations or to works of engineering construction shall have effect as if any place where such operations or works are carried on were a factory and any person undertaking any such operations or works to which this Act applies were the occupier of a factory, and with such other adaptations and modifications as may be made by regulations made by the Minister.

(5) The provisions of this Act requiring general registers to be kept <sup>F44</sup> . . . shall be deemed to be complied with as respects building operations or works of engineering construction if the register is kept at an office of the person undertaking the operations or works <sup>F44</sup> . . .

<sup>F45</sup>(6) .....

<sup>F45</sup>(7) .....

(8) The application of this Act to any building operations or works of engineering construction by virtue of the foregoing provisions of this section shall not be excluded by reason of the fact that they are undertaken on premises to which this Act applies apart from those provisions; and nothing in this section shall be taken as prejudicing the application of this Act to those premises apart from this section.

**Textual Amendments**

- F35** Ss. 32, 35, 36, 125, 127(2)(c) repealed (1.7.1994) by S.I. 1989/2169, reg. 26, **Sch. 6 Pt. I**
- F36** Words repealed by S.I. 1974/1941, reg. 7, **Sch. 1**
- F37** S. 127(2)(d)(e) repealed by S.I. 1974/1941, reg. 7, **Sch. 1**
- F38** S. 127(2)(g) repealed by **Employment Medical Advisory Service Act 1972 (c. 28)**, **Sch. 3**
- F39** S. 127(2)(h) repealed by S.I. 1975/1012, **Sch.**
- F40** Words repealed by S.I. 1989/682, reg. 8(1), **Sch. Pt. I**
- F41** Words in s. 127(2)(j) repealed (1.1.1996) by S.I. 1995/2923, reg. 3, **Sch. Pt. I**
- F42** Words repealed by S.I. 1975/1012, **Sch.**
- F43** S. 127(3) repealed (2.9.1996) by S.I. 1996/1592, reg. 34, **Sch. 9 para. 2(a)**
- F44** Words in s. 127(5) repealed (1.1.1996) by S.I. 1995/2923, reg. 3, **Sch. Pt. I**
- F45** S. 127(6)(7) repealed (31.3.1995) by S.I. 1994/3140, **reg. 24(1)**

**Modifications etc. (not altering text)**

- C6** S. 127 amended by **Employment Medical Advisory Service Act 1972 (c. 28)**, **s. 8(1)**
- C7** S. 127(2)(j), (3)(5) amended by S.I. 1974/1941, **Sch. 2 para. 9**

*Lead processes carried on in places other than factories*

<sup>F46</sup>**128** .....

**Textual Amendments**

- F46** S. 128 repealed (1.4.1998) by S.I. 1998/543, **reg. 14(1)**

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- 129** (1) ..... F47
- (2) ..... F48

**Textual Amendments**

**F47** 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**

**F48** Ss. 129(2)–(6), 130, repealed by S.I. 1980/1248, reg. 20(1), **Sch. 1**

- 130** ..... F49

**Textual Amendments**

**F49** Ss. 129(2)–(6), 130, repealed by S.I. 1980/1248, reg. 20(1), **Sch. 1**

- <sup>F50</sup>**131** .....

**Textual Amendments**

**F50** S.131 repealed (1.4.1998) by S.I. 1998/543, **reg. 14(1)**

- <sup>F51</sup>**132** .....

**Textual Amendments**

**F51** S. 132 repealed (1.4.1998) by S.I. 1998/543, **reg. 14(1)**

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