



# Factories Act 1961

1961 CHAPTER 34 9 and 10 Eliz 2

## PART XIV

### INTERPRETATION AND GENERAL

#### *General*

177 .....<sup>F1</sup>

#### **Textual Amendments**

**F1** 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134, 137(5), 142, 145, 149, 150, 153(3), 159, 164(3), 174(2), 177, 179, 180(5)(7)(8)(10), 181(2), 182(5)(6), Schs. 3, 4 repealed by S.I. 1974/1941, reg. 7, Sch. 1

#### 178 **Certificates of birth.** **E+W**

- (1) Where the age of any person is required to be ascertained or proved for the purposes of this Act, any person shall, on presenting a written requisition in such form and containing such particulars as [<sup>F2</sup>the Secretary of State] or, as respects Scotland, the Secretary of State may by regulations prescribe and on payment of a fee of [<sup>F3</sup>£3.50][<sup>F3</sup>£7.00], be entitled to obtain a certified extract under the hand of a registrar or superintendent registrar of births and deaths of the entry in the register under the <sup>M1</sup>Births and Deaths Registration Act 1953 or [<sup>F4</sup>the <sup>M2</sup>Registration of Births, Deaths and Marriages (Scotland) Act 1965] of the birth of that person.
- (2) A form of such a requisition shall on request be supplied without charge by every superintendent registrar and registrar of births and deaths.

*Status: Point in time view as at 01/04/2009.*

*Changes to legislation: There are currently no known outstanding effects for the Factories Act 1961, Cross Heading: General. (See end of Document for details)*

#### Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only.

#### Textual Amendments

- F2** Words substituted by virtue of S.I. 1967/486, arts. 2(6), 5(1), **Sch. 2 para. 8** and 1968/1699, arts. 2, 5(4)
- F3** S. 178(1): fees of £3.50 and £7.00 made payable (E.W.) (1.4.2003) in respect of extracts issued by (i) a registrar and (ii) a superintendent registrar respectively by virtue of S.I. 2002/3076, art. 2, **Sch.**
- F4** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\)](#), s. 17(2)(a)

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

- C1** Power to amend s. 178(1) conferred by [Public Expenditure and Receipts Act 1968 \(c. 14\)](#), s. 5, **Sch. 3**

#### Marginal Citations

- M1** 1953 c. 20.  
**M2** 1965 c. 49.

## 178 Certificates of birth. **S**

- (1) Where the age of any person is required to be ascertained or proved for the purposes of this Act, any person shall, on presenting a written requisition in such form and containing such particulars as [<sup>F22</sup>the Secretary of State] or, as respects Scotland, the Secretary of State may by regulations prescribe and on payment of a fee of [<sup>F23</sup>£9.00], be entitled to obtain a certified extract under the hand of a registrar or superintendent registrar of births and deaths of the entry in the register under the <sup>M9</sup>Births and Deaths Registration Act 1953 or [<sup>F24</sup>the <sup>M10</sup>Registration of Births, Deaths and Marriages (Scotland) Act 1965] of the birth of that person.
- (2) A form of such a requisition shall on request be supplied without charge by every superintendent registrar and registrar of births and deaths.

#### Extent Information

- E2** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only.

#### Textual Amendments

- F22** Words substituted by virtue of S.I. 1967/486, arts. 2(6), 5(1), **Sch. 2 para. 8** and 1968/1699, arts. 2, 5(4)
- F23** Word in s. 178(1) substituted (1.4.2009) by [Registration of Births, Deaths and Marriages \(Fees\) \(Scotland\) Order 2009 \(S.S.I. 2009/65\)](#), arts. 1(1), 2, **sch.**
- F24** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\)](#), s. 17(2)(a)

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

- C3** Power to amend s. 178(1) conferred by [Public Expenditure and Receipts Act 1968 \(c. 14\)](#), s. 5, **Sch. 3**

#### Marginal Citations

- M9** 1953 c. 20.  
**M10** 1965 c. 49.

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**179** ..... F5

**Textual Amendments**

**F5** 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](#)

**180 Regulations, rules and orders.**

- (1) Any regulations, rules or orders made under this Act shall be made by statutory instrument, except an order applicable only to particular persons, premises, boilers, employment, operations or work or to persons employed at particular premises or on work supervised from particular premises.
- (2) Any 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, rules or orders shall include power to make different provisions in relation to different circumstances.
- (4) Any power conferred by this Act to make an order shall include power to revoke such an order by a subsequent order [<sup>F6</sup>and the provisions of section 50 of the <sup>M3</sup>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.]
- (5) ..... F7
- (6) Any power conferred by this Act to prescribe standards or impose requirements shall include power to do so by reference to the approval of the chief inspector [<sup>F8</sup>or of the chief employment medical adviser or a deputy chief employment medical adviser.]
- (7) ..... F7
- (9) Any regulations or order made by the Minister under this Act may be made for a limited period or without limit of period and may be made subject to such conditions as he thinks fit, and may contain such supplemental and consequential provisions as he considers necessary for giving full effect to the regulations or order.
- (10) ..... F7

**Textual Amendments**

**F6** Words added by [S.I. 1974/1941, Sch. 2 para. 13](#)

**F7** 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](#)

**F8** Words added by [Employment Medical Advisory Service Act 1972 \(c. 28\), s. 2\(3\)](#)

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

- C2** Reference to chief employment medical adviser and deputy chief employment medical adviser to be construed as reference to a person appointed for the purposes of that provision by the authority responsible for maintaining the employment medical advisory service: Health and Safety at [Work etc. Act 1974 \(c. 37\), s. 60\(4\)](#)

#### Marginal Citations

- M3** 1974 c. 37.

### 181 Substitution of corresponding provisions for certain provisions of Factory and Workshop Act 1901.

- (1) The provisions contained in the Fifth Schedule to this Act (being provisions of the <sup>M4</sup>Factory and Workshop Act 1901 which do not apply in England . . . <sup>F9</sup>, set out with the necessary modifications) shall have effect in Scotland and . . . <sup>F9</sup> in lieu of the corresponding provisions repealed by the <sup>M5</sup>Factories Act 1937 . . . <sup>F10</sup>
- (2) . . . . . <sup>F11</sup>
- (3) . . . . . <sup>F12</sup>

#### Textual Amendments

- F9** Words repealed by [London Government Act 1963 \(c. 33\), s. 93, Sch. 18 Pt. II](#)
- F10** Words repealed by [S.I. 1977/746, Sch. 3](#)
- 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, 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** Ss. 181(3), 182(2) repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\), Sch. 29](#)

#### Marginal Citations

- M4** 1901 c. 22.  
**M5** 1937 c. 67.

### 182 General application to Scotland.

- (1) The provisions of this section shall, in addition to any express provision for the application to Scotland of any provision of this Act, have effect for the general application of this Act to Scotland.
- (2) . . . . . <sup>F13</sup>
- (3) All matters required by this Act to be published in the London Gazette shall, if they relate to Scotland, be published in the Edinburgh Gazette either in addition or in substitution, as the case may require.
- (4) Any offence against this Act for which the maximum penalty that may be imposed does not exceed ten pounds may be prosecuted in any court of summary jurisdiction within the meaning of the <sup>M6</sup>[<sup>F14</sup>Criminal Procedure (Scotland) Act 1975] having jurisdiction in the place where the offence was committed.

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- (5) ..... <sup>F15</sup>
- (7) Every person convicted of an offence against this Act may be found liable in expenses.
- (8) Section twenty-nine of the <sup>M7</sup>Public Health (Scotland) Act 1897 shall not apply in relation to any factory within the meaning of this Act.
- [<sup>F16</sup>(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 <sup>M8</sup>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. ]

#### Textual Amendments

- F13** Ss. 181(3), 182(2) repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\), Sch. 29](#)
- F14** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\), s. 460\(1\)\(b\)](#)
- F15** 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](#)
- F16** S. 182(9) substituted by [S.I. 1974/1941, Sch. 2 para. 14](#)

#### Marginal Citations

- M6** 1975 c. 21.
- M7** 1897 c. 38.
- M8** 1974 c. 37.

### 183 Transitional provisions and repeals.

- (1) This Act shall have effect subject to the provisions of the Sixth Schedule to this Act.
- (2) ..... <sup>F17</sup>

#### Textual Amendments

- F17** S. 183(2), Sch. 7 repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\), Sch. Pt. XI](#)

### 184 Construction of references in other enactments to factories and workshops, etc. and exclusion of certain provisions of Public Health (London) Act 1936.

- (1) <sup>F18</sup> . . . references in any enactment to a factory or workshop within the meaning of the Factory and Workshop Acts 1901 to 1929, or any of those Acts, shall be construed as references to a factory within the meaning of this Act.
- (2) ..... <sup>F19</sup>
- (3) ..... <sup>F20</sup>

#### Textual Amendments

- F18** Words in s. 184(1) repealed (19.5.1997) by [1997 c. 29, s. 33\(2\), Sch. 4](#); [S.I. 1997/1097, art. 3\(d\), Sch.](#)

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- F19** Ss. 85, 118, 151, 152, 184(2) repealed by [Employment Medical Advisory Service Act 1972 \(c. 28\)](#),  
[Sch. 3](#)
- F20** S. 184(3) repealed by [London Government Act 1963 \(c. 33\)](#), s. 93, [Sch. 18 Pt. II](#)

## **185 Short title, commencement and extent.**

- (1) This Act may be cited as the Factories Act 1961.
- (2) This Act shall come into force on the first day of April, nineteen hundred and sixty-two.
- (3) This Act, except subsections (1) and (2) of section seventy-seven . . . <sup>F21</sup>, does not extend to Northern Ireland.

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### **Textual Amendments**

- F21** Words repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. XI](#)

**Status:**

Point in time view as at 01/04/2009.

**Changes to legislation:**

There are currently no known outstanding effects for the Factories Act 1961, Cross Heading:  
General.