

*Status: Point in time view as at 01/01/2005.*

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

## SCHEDULES

### <sup>F1</sup>FIRST SCHEDULE

#### Textual Amendments

**F1** Sch. 1 repealed (1.1.1997) by S.I. 1996/3022, reg. 2, Sch. Pt. 1

### <sup>F2</sup><sup>F2</sup>SECOND SCHEDULE

#### Textual Amendments

**F2** Sch. 2 repealed by S.I. 1976/2004, Sch. 1

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**F2**

### <sup>F3</sup><sup>F3</sup>THIRD AND FOURTH SCHEDULES

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137(5), 142, 145, 149, 150, 153(3), 159, 164(3), 174(2), 177, 179, 180(5)(7)(8)(10), 181(2), 182(5)(6), Schs. 3, 4 repealed by S.I. 1974/1941, reg. 7, Sch. 1

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**F3**

### <sup>F4</sup>FIFTH SCHEDULES

Section 181.

PROVISIONS OF THE FACTORY AND WORKSHOP ACT 1901  
APPLICABLE IN LONDON AND SCOTLAND ONLY . . . <sup>F5</sup>]

#### Textual Amendments

**F4** Sch. 5 repealed, except as respects Scotland, by London Government Act 1963 (c. 33), s. 93, Sch. 18 Pt. 11

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**F5** Words repealed by [S.I. 1977/746, Sch. 3](#)

*Prohibition of employment of women after childbirth.*

- 61 If the occupier of a factory knowingly allows a woman or girl to be employed therein within four weeks after she has given birth to a child he shall be liable to a fine not exceeding [<sup>F6</sup>level 1 on the standard scale], or if the offence was committed during the night [<sup>F6</sup>level 1 on the standard scale], pounds for each person so employed, and in the case of a second or subsequent conviction within two years after the last conviction for the like offence not less than [<sup>F6</sup>level 1 on the standard scale] for each offence.

**Textual Amendments**

**F6** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), s. 289G](#)

*Making of wearing apparel where there is scarlet fever or smallpox.*

- 109 If the occupier of a factory or of any place from which any work is given out, or any contractor employed by any such occupier, causes or allows wearing apparel to be made, cleaned, or repaired, in any dwelling-house or building occupied therewith, while any inmate of the dwelling-house is suffering from scarlet fever or smallpox, then, unless he proves that he was not aware of the existence of the disease in the dwelling-house, and could not reasonably have been expected to become aware of it, he shall be guilty of an offence and liable to a fine not exceeding [<sup>F7</sup>level 1 on the standard scale] pounds.

**Textual Amendments**

**F7** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), s. 289G](#)

*Prohibition of home work in places where there is infectious disease.*

- 110 If any inmate of a house is suffering from an infectious disease to which this section applies, the district council of the district in which the house is situate may make an order forbidding any work to which this section applies to be given out to any person living or working in that house, or such part thereof as may be specified in the order, and any order so made may be served on the occupier of any factory, or any other place from which work is given out, or on the contractor employed by any such occupier.
- (2) The order may be made notwithstanding that the person suffering from an infectious disease may have been removed from the house, and the order shall be made either for a specified time or subject to the condition that the house or part thereof liable to be infected shall be disinfected to the satisfaction of the [<sup>F8</sup>designated medical officer], or that other reasonable precautions shall be adopted.
- (3) In any case of urgency the powers conferred on the district council by this section may be exercised by any two or more members of the council acting on the advice of the [<sup>F8</sup>designated medical officer].

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- (4) If any occupier or contractor on whom an order under this section has been served contravenes the provisions of the order, he shall be guilty of an offence and liable to a fine not exceeding [<sup>F9</sup>level 1 on the standard scale].
- (5) The infectious diseases to which this section applies are the infectious diseases required to be notified under the law for the time being in force in relation to the notification of infectious diseases, and the work to which this section applies is the making, cleaning, washing, altering, ornamenting, finishing and repairing of wearing apparel and any work incidental thereto, and such other classes of work as may be specified by order of the Minister of Health or, as respects Scotland, the Secretary of State.

#### Textual Amendments

- F8** Words substituted by [National Health Service \(Scotland\) Act 1972 \(c. 58\), Sch. 6 para. 122](#)
- F9** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), s. 289G](#)

## SIXTH SCHEDULE

Section 183.

### TRANSITIONAL PROVISIONS

- 1 Any reference in any enactment or document, whether express or implied, to any enactment repealed by this Act or by any enactment so repealed or to any provision contained in any such enactment shall be construed as a reference to this Act or, as the case may be, to the corresponding provision of this Act.
- 2 Any order, regulation, rule, byelaw or appointment made, direction, certificate or notice given, or other thing done under any provision contained in an enactment repealed by this Act or by an enactment so repealed shall continue in force and—
- (a) if it could have been made, given or done under the corresponding provision of this Act, shall have effect as if it had been so made, given or done;
  - (b) if it is an order or regulation made under a power which, under the corresponding provision of this Act, is exercisable by a different class of instrument, shall have effect as if it were an instrument of that class made under that provision.

3 ..... **F10**

#### Textual Amendments

- F10** [Sch. 6 para. 3](#) repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\), s. 1\(1\), Sch. 1 Pt. XIII](#)

- 4 (1) Subject to sub-paragraph (2) of this paragraph, a factory which has been furnished with a certificate in pursuance of subsection (1) of section fourteen of the <sup>M1</sup>Factory and Workshop Act 1901 and a factory in respect of which a notice issued in pursuance of subsection (2) of that section has been complied with, or in respect of which an award has been made under subsection (3) of that section and has been complied with, shall be entitled to receive a certificate under section forty of this Act and, pending the receipt of the certificate, no offence shall be deemed to be committed

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by reason of the use of the factory while no certificate under this section is in force with respect to it.

- (2) Sub-paragraph (1) of this paragraph shall only apply to any factory if and so long as the means of escape provided therein are properly maintained, and shall not apply to any factory if, since the certificate was furnished or the notice or award was complied with in pursuance of the said section fourteen, any action has been taken of which notice would, if this Act had been in force and a certificate under section forty had been granted, have been required by section forty-one of this Act to be given to the fire authority.

#### Marginal Citations

**M1** 1901 c. 22.

- 5 In the case of any factory constructed or converted for use as a factory before the coming into operation of section thirty-four of the <sup>M2</sup>Factories Act 1937 (that is to say the first day of July, nineteen hundred and thirty-eight) which is not a factory to which paragraph 4 of this Schedule applies, no offence shall be deemed to be committed under section forty of this Act by reason of the use of the factory during any period that may elapse before the grant or refusal of a certificate under that section by the fire authority, and if the fire authority refuse to grant a certificate in respect of the factory unless alterations are made, no such offence shall be deemed to be committed while the alterations are being carried out in accordance with the requirements of the authority.

#### Marginal Citations

**M2** 1937 c. 67.

- 6 Where, before the coming into operation of the First Schedule to the <sup>M3</sup>Factories Act 1959 (that is to say the first day of December, nineteen hundred and sixty) a certificate was issued under section thirty-four of the <sup>M4</sup>Factories Act 1937 with respect to such a factory as is mentioned in paragraph 1 of the Second Schedule to this Act, but—
- (a) neither the certificate nor a copy thereof was issued to the owner of the building in which the factory is comprised; or
  - (b) neither the certificate nor a copy thereof or of the relevant part thereof was issued to the occupier of the factory;

the council by whom the certificate was issued shall, at his request, send him a copy thereof or, as the case may be, of the relevant part thereof; and the owner may, in the case of any such certificate, comply with the requirement as to its registration by attaching a copy thereof to the register mentioned in sub-paragraph (c) of paragraph 8 of the Second Schedule to this Act.

#### Marginal Citations

**M3** 1959 c. 67.

**M4** 1937 c. 67.

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- 7 Any order made under Regulation 59 of the Defence (General) Regulations 1939 which is in force at the commencement of this Act shall continue in force, but may be revoked by order of the Minister; and any provision made by an order continued in force by this paragraph which could have been made by special regulations under section one hundred and seventeen of this Act shall be deemed, until the order is revoked, to be contained in such regulations.
- 8 The mention of particular matters in this Schedule shall be without prejudice to the general application of [<sup>F11</sup>sections 16(1) and 17(2)(a) of the <sup>M5</sup>Interpretation Act 1978] (which relates to the effect of repeals).

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**Textual Amendments**

**F11** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\), s. 25\(2\)](#)

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**Marginal Citations**

**M5** [1978 c. 30.](#)

<sup>F12</sup><sup>F12</sup>SEVENTH SCHEDULE

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**Textual Amendments**

**F12** [S. 183\(2\), Sch. 7](#) repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\), Sch. Pt. XI](#)

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F12

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