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SCHEDULES

FIRST SCHEDULE

Section 68.

TABLE OF HUMIDITY

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Dry Bulb Thermometer Readings Degree Fahrenheit	<i>Wet Bulb Thermometer Readings</i> Degree Fahrenheit
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I	II
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SECOND SCHEDULE

Section 120.

MODIFICATION OF CERTAIN PROVISIONS IN RELATION TO FACTORIES OCCUPYING PARTS OF BUILDINGS

- 1 Where a factory which is part of a building is either—
- (a) a part of a tenement factory : or
 - (b) a part let off as a separate factory but not a part of a tenement factory;
- the owner of the building shall be substituted for the occupier as the person on whom any duties are imposed or rights conferred by the provisions to which this paragraph applies or on whom any notice is to be served thereunder or who is liable for any contravention thereof.
- 2 For the purposes of the provisions to which paragraph 1 of this Schedule applies—
- (a) the whole of a tenement factory shall be deemed to be one factory; and
 - (b) any such factory as is mentioned in sub-paragraph (b) of that paragraph shall be deemed to include any part of the building used for the purposes of the factory.
- 3 The provisions to which paragraph 1 of this Schedule applies are sections forty to forty-eight and fifty-two of this Act, except subsections (1) and (10) of section forty-eight and so much of subsection (1) of section forty-one as requires the means of escape to be kept free from any obstruction caused by the use of the factory.
- 4 Subsections (1) and (10) of section forty-eight of this Act shall 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.

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- 5 The occupier of any such factory as is mentioned in paragraph 1 of this Schedule shall inform the owner of the building of any such proposal as is mentioned in subsection (3) of section forty-one of this Act.
- 6 In relation to a building comprising such a factory as is mentioned in sub-paragraph (b) of paragraph 1 of this Schedule, subsection (7) of section forty-eight of this Act shall have effect as if it required the warning referred to therein to be a warning in case of fire occurring anywhere in the building and to be audible in every part of the building which is used for the purposes of that or any other factory.
- 7 (1) If on a complaint made by the owner of a building it appears to a magistrates' court that any occupier prevents him from carrying out any work, test or examination which he is required to carry out under the foregoing provisions of this Schedule, the court may order the occupier to permit him to do so.
- (2) In the application of this paragraph to Scotland, for the references to a complaint and to a magistrates' court, there shall be substituted respectively references to a summary application and to the sheriff.
- 8 In relation to any such factory as is mentioned in paragraph 1 of this Schedule, the provisions of this Act requiring certificates in respect of means of escape in case of fire and the registration of such certificates and of tests or examinations carried out in pursuance of section fifty-two of this Act shall have effect subject to the following modifications, that is to say—
- (a) the certificate under section forty of this Act shall be issued to the owner of the building in which the factory is comprised and a copy thereof (or, if the certificate relates to more than one factory, of the relevant parts thereof) shall be issued to the occupier of the factory;
 - (b) where the certificate relates to a tenement factory it shall, notwithstanding sub-paragraph (a) of paragraph 2 of this Schedule, contain particulars as to each of the separate factories;
 - (c) the references in subsection (7) of section forty and in section fifty-two of this Act to the general register shall be construed as references to a register to be kept by the owner of the building, and subsection (3) of section one hundred and sixty-six of this Act shall apply in relation to any register kept by the owner in pursuance of this paragraph as if he were the occupier of the factory ;
 - (d) the reference in subsection (2) of section one hundred and forty of this Act to the certificate shall be construed as a reference to the copy issued in pursuance of this paragraph.

THIRD SCHEDULE

Section 180(5).

POWERS TO PRESCRIBE STANDARDS

<i>Provision of Act</i>	<i>Matters for which standards may be prescribed</i>
Subsection (3) of section three	Temperature in workrooms.
Subsection (2) of section four	Ventilation of workrooms.
Subsection (2) of section five.	Lighting.

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<i>Provision of Act</i>	<i>Matters for which standards may be prescribed</i>
Subsection (2) of section seven	Sanitary conveniences.
Subsection (2) of section fifty-eight	Washing facilities.
Subsection (2) of section fifty-nine	Accommodation for clothing

FOURTH SCHEDULE

Section 180(10).

PROCEDURE FOR MAKING SPECIAL REGULATIONS

- 1 Before the Minister makes any special regulations he shall publish in the London Gazette, and in such other manner as he may think best adapted for informing persons affected, notice of the proposal to make the regulations, and of the place where copies of the draft regulations may be obtained, and of the time (which shall be not less than twenty-one days) within which any objection made with respect to the draft regulations by or on behalf of persons affected must be sent to him.
- 2 Every objection must be in writing and state—
 - (a) the specific grounds of objection ; and
 - (b) the omissions, additions, or modifications asked for.
- 3 The Minister shall consider any objection made by or on behalf of any persons appearing to him to be affected which is sent to him within the required time, and he may, if he thinks fit, amend the draft regulations, and, after doing so, he shall, unless an inquiry has been held under this Schedule, cause the amended draft to be dealt with in like manner as an original draft.
- 4 If after the publication of the notice with respect to any draft regulations (whether an original or amended draft) any general objection (as defined in paragraph 6 of this Schedule) is made within the required time with respect to the draft and not withdrawn, then, unless a previous inquiry under this Schedule has been held with respect to the draft or some previous draft of the regulations, he shall before making the regulations direct an inquiry to be held in the manner hereinafter provided and he may, if he thinks fit, also direct such an inquiry to be held in regard to any objection, notwithstanding that no such general objection has been made or that such a previous inquiry has been held as aforesaid.
- 5 Where any such inquiry is to be held as to any draft regulations, the following provisions shall have effect with respect to the inquiry—
 - (a) the Minister shall appoint a competent person or competent persons to hold the inquiry, and to report to him thereon ;
 - (b) the inquiry shall be held in public, and the chief inspector and any objector and any other person who, in the opinion of the person holding the inquiry or, if there is more than one such person, of the person presiding over the inquiry, is affected by the draft regulations, may appear at the inquiry either in person or by counsel, solicitor, or agent;
 - (c) the witnesses may, if the person holding or presiding over the inquiry thinks fit, be examined on oath ;
 - (d) subject as aforesaid, the inquiry and all proceedings preliminary and incidental thereto shall be conducted in accordance with rules made by the

Minister and the rules may make provision as to the costs of the inquiry and other proceedings, including the remuneration of the person or persons holding the inquiry.

- 6 In this Schedule the expression " general objection" means, as respects any draft regulations, an objection made—
- (a) by or on behalf of the majority of the occupiers of the factories affected by the draft regulations or by or on behalf of the occupier or occupiers employing a majority of the persons employed in those factories, or by any person who satisfies the Minister that he or an association on behalf of which he acts represents a majority of the persons employed in those factories; or
 - (b) by or on behalf of the majority of the occupiers of any class or description of factories affected as respects which it appears to the Minister that, by reason of special conditions existing in connection therewith, there is reason to believe that any of the requirements of the draft regulations may be unnecessary or inappropriate in the case of that class or description, or by or on behalf of the occupier or occupiers employing a majority of the persons employed in any such class or description of factories as aforesaid or by any person who satisfies the Minister that he or an association on behalf of which he acts represents a majority of the persons employed in any such class or description of factories as aforesaid.

FIFTH SCHEDULE

Section 181.

PROVISIONS OF THE FACTORY AND WORKSHOP ACT, 1901, APPLICABLE IN LONDON AND SCOTLAND ONLY AND ADMINISTERED BY DISTRICT COUNCILS

“61 Prohibition of employment of women after childbirth.

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 three, or if the offence was committed during the night five, 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 one pound for each offence.”

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

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 ten pounds.”

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

- (1) 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

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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 medical officer of health, 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 medical officer of health.
- (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 ten pounds.
- (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.”

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 (1) Until such day as the Minister may by order appoint Part II of this Act shall have effect subject to the following provisions of this paragraph (which secure the continued operation of provisions replaced by so much of the Factories Act, 1959, as had not been brought into force at the commencement of this Act).
 - (2) In section thirty-three of this Act the following shall be substituted for subsections (2) and (3):—

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- “(2) Every steam boiler and all its fittings and attachments shall be thoroughly examined by a competent person at least once in every period of fourteen months, and also after any extensive repairs; and no steam boiler which has previously been used shall be taken into use in any factory for the first time in that factory until it has been examined and reported on in accordance with this subsection and subsections (3) and (4) of this section.
- (3) Any examination in accordance with the requirements of the last foregoing subsection shall consist, in the first place, of an examination of the boiler when it is cold and the interior and exterior have been prepared in the prescribed manner, and secondly, except in the case of an economiser or superheater, of an examination when it is under normal steam pressure, and the two parts of the examination may be carried out by different persons; the examination under steam pressure shall be made on the first occasion when steam is raised after the examination of the boiler when cold, or as soon as possible thereafter, and the person making the examination shall see that the safety valve is so adjusted as to prevent the boiler being worked at a pressure greater than the maximum permissible working pressure.
- (3A) The Minister may by order grant from the requirements of subsection (2) of this section, so far as it relates to periodic examinations and examinations after extensive repairs, such exemptions, to such extent and subject to such conditions, as may be specified in the order, and any such exemption may extend to any class or description of factory or boiler or any particular factory or boiler.”
- (3) For the purposes of the provisions of section thirty-three of this Act relating to reports of examinations, the examination of a boiler when it is cold and its examination when it is under steam pressure shall be treated as separate examinations.
- (4) In Part II of this Act the expression " maximum permissible working pressure" means, in the case of a new steam boiler, that specified in the certificate referred to in subsection (5) of section thirty-three of this Act.
- 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 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 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.
- 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 Factories Act, 1937, (that is to say the first day of July, nineteen hundred and thirty-eight) which is not a factory

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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.

6 Where, before the coming into operation of the First Schedule to the 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 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.

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 section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals).

SEVENTH SCHEDULE

Section 10(1).

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
16 & 17 Geo. 5. c. 37.	The Lead Paint (Protection against Poisoning) Act, 1926.	The whole Act.
26 Geo. 5. & 1 Edw. 8. c. 24.	The Employment of Women and Young Persons Act, 1936.	The whole Act.
1 Edw. 8. & 1 Geo. 6. c. 67.	The Factories Act, 1937	The whole Act.
11 & 12 Geo. 6. c. 55.	The Factories Act, 1948	The whole Act.
6 & 7 Eliz. 2. c. 70.	The Slaughterhouses Act, 1958	Section seven.

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Session and Chapter	Short Title	Extent of Repeal
7 & 8 Eliz. 2. c. 67.	The Factories Act, 1959	The whole Act.

TABLE OF STATUTES REFERRED TO IN THIS ACT

Short title	Session and Chapter
Holidays Extension Act, 1875	38 & 39 Vict. c. 13.
Explosives Act, 1875.	38 & 39 Vict. c. 17.
Boiler Explosions Act, 1882	45 & 46 Vict. c. 22.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Boiler Explosions Act, 1890	53 & 54 Vict. c. 35.
Merchant Shipping Act, 1894	57 & 58 Vict. c. 60.
Fatal Accidents Inquiry (Scotland) Act, 1895	58 & 59 Vict. c. 36.
Public Health (Scotland) Act, 1897	60 & 61 Vict. c. 38.
Factory and Workshop Act, 1901.	1 Edw. 7. c. 22.
Weights and Measures Act, 1904	4 Edw. 7. c. 28.
Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act, 1906	6 Edw. 7. c. 35.
Education Act, 1918.	8 & 9 Geo. 5. c. 39.
Education (Scotland) Act, 1918	8 & 9 Geo. 5. c. 48.
Employment of Women, Young Persons, and Children Act, 1920.	10 & 11 Geo. 5. c. 65.
Theatrical Employers Registration Act, 1925	15 & 16 Geo. 5. c. 50.
Petroleum (Consolidation) Act, 1928	18 & 19 Geo. 5. c. 32.
Rating and Valuation (Apportionment) Act, Act, 1928.	18 & 19 Geo. 5. c. 44.
London Building Act, 1930	20 & 21 Geo. 5. c. clviii.
Local Government Act, 1933	23 & 24 Geo. 5. c. 51.
London Building Act (Amendment) Act, 1935	25 & 26 Geo. 5. c. xcii.
Hours of Employment (Conventions) Act, 1936	26 Geo. 5 & 1 Edw. 8. c. 22.
Public Health Act, 1936.	26 Geo. 5 & 1 Edw. 8. c. 49.
Public Health (London) Act, 1936	26 Geo. 5 & 1 Edw. 8. c. 50.
Factories Act, 1937.	1 Edw. 8 & 1 Geo. 6. c. 67.
London Building Acts (Amendment) Act, 1939.	2 & 3 Geo. 6. c. xcvii.
Education Act, 1944.	7 & 8 Geo. 6. c. 31.

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Short title	Session and Chapter
Education (Scotland) Act, 1946	9 & 10 Geo. 6. c. 72.
Fire Services Act, 1947	10 & 11 Geo. 6. c. 41.
Local Government (Scotland) Act, 1947	10 & 11 Geo. 6. c. 43.
Agriculture Act, 1947	10 & 11 Geo. 6. c. 48.
Companies Act, 1948	11 & 12 Geo. 6. c. 38.
Agriculture (Scotland) Act, 1948	11 & 12 Geo. 6. c. 45.
Justices of the Peace Act, 1949	12, 13 & 14 Geo. 6. c. 101.
Arbitration Act, 1950	14 Geo. 6. c. 27.
Shops Act, 1950.	14 Geo. 6. c. 28.
Magistrates' Courts Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 55.
Births and Deaths Registration Act, 1953	1 & 2 Eliz. 2. c. 20.
Summary Jurisdiction (Scotland) Act, 1954	2 & 3 Eliz. 2. c. 48.
Mines and Quarries Act, 1954	2 & 3 Eliz. 2. c. 70.
Building (Scotland) Act, 1959	7 & 8 Eliz. 2. c. 24.
Factories Act, 1959	7 & 8 Eliz. 2. c. 67.