



# Factories Act 1961

1961 CHAPTER 34 9 and 10 Eliz 2

## PART XII

### OFFENCES, PENALTIES AND LEGAL PROCEEDINGS

#### 164 Prosecution of offences and application of fines.

[<sup>F1</sup>(1) All offences under this Act shall be triable summarily.]

[<sup>F1</sup>(2) In any proceedings under this Act it shall be sufficient in the information or, in Scotland, complaint to allege that the factory is a factory within the meaning of this Act and to state the name of the ostensible occupier of the factory, or, where the occupier is a firm, the title of the firm.]

(3) ..... <sup>F2</sup>

(4) ..... <sup>F2</sup>

[<sup>F3</sup>(5) Where any offence is committed under this Act by reason of a failure to make an examination, enter a report, or do any other thing, at or within a time specified by this Act or any regulation or order made thereunder, the offence shall be deemed to continue until the examination is made, or the report entered, or the other thing done, as the case may be.]

(6) ..... <sup>F4</sup> all fines imposed in Scotland in respect of offences under this Act shall be paid into the Exchequer.

[<sup>F3</sup>(7) Where a proceeding is taken before a magistrates' court or other court of summary jurisdiction with respect to an offence under this Act alleged to be committed in or with reference to a factory, no person shall be qualified to act as a member of the court who is the occupier or owner of the factory, or the husband, wife, parent, son, daughter, brother, or sister of the occupier or owner of the factory, or a person engaged in, or an officer of any association of persons engaged in, the same trade or occupation as any person charged with the offence.]

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*Status: Point in time view as at 01/01/2011.*

*Changes to legislation: There are currently no known outstanding effects  
for the Factories Act 1961, Section 164. (See end of Document for details)*

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### **Textual Amendments**

- F1** S. 164(1)(2) repealed by S.I. 1976/2004, **Sch.** except in relation to offences committed before 1.1.1977 and offences under s. 135
- F2** 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134, 137(5), 142, 145, 149, 150, 153(3), 159, 164(3), 174(2), 177, 179, 180(5)(7)(8)(10), 181(2), 182(5)(6), Schs. 3, 4 repealed by S.I. 1974/1941, reg. 7, **Sch. 1**
- F3** S. 164(5)(7) repealed by S.I. 1974/1941, reg. 7, **Sch. 1** except in relation to offences under s. 135
- F4** Words repealed by **Criminal Justice Act 1972 (c. 71), Sch. 6 Pt. II**

**Status:**

Point in time view as at 01/01/2011.

**Changes to legislation:**

There are currently no known outstanding effects for the Factories Act 1961, Section 164.