



Factories Act 1961

1961 CHAPTER 34

PART XII

OFFENCES, PENALTIES AND LEGAL PROCEEDINGS

164 Prosecution of offences and application of fines

- (1) All offences under this Act shall be triable summarily.
- (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) The court shall in any proceedings under this Act, if required by either party, cause minutes of the evidence to be taken and preserved.
- (4) Where, with respect to or in consequence of any accident in a factory, a report is made by the court appointed to hold a formal investigation under this Act or under the Boiler Explosions Acts, 1882 and 1890, or a coroner's inquest or a public inquiry under the Fatal Accidents Inquiry (Scotland) Act, 1895, or the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act, 1906, is held, and it appears from the report, or from the proceedings at the inquest or inquiry, that any of the provisions of this Act, or any orders or regulations made thereunder, were not complied with at or before the time of the accident, summary proceedings against any person liable to be proceeded against in respect of the non-compliance may be commenced at any time within three months after the making of the report or the conclusion of the inquest or inquiry.
- (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) Any sum paid to the Secretary of State in pursuance of section twenty-seven of the Justices of the Peace Act, 1949, in respect of a fine recovered under this Act shall

Status: This is the original version (as it was originally enacted).

be deemed to be Exchequer moneys within the meaning of that section and shall be paid by the Secretary of State into the Exchequer; and all fines imposed in Scotland in respect of offences under this Act shall be paid into the Exchequer.

- (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.