



Factories Act 1961

1961 CHAPTER 34

PART II

SAFETY (GENERAL PROVISIONS)

17 Construction and sale of machinery

- (1) In the case of any machine in a factory which is a machine intended to be driven by mechanical power—
 - (a) every set-screw, bolt or key on any revolving shaft, spindle, wheel or pinion shall be so sunk, encased or otherwise effectively guarded as to prevent danger; and
 - (b) all spur and other toothed or friction gearing, which does not require frequent adjustment while in motion, shall be completely encased unless it is so situated as to be as safe as it would be if completely encased.
- (2) Any person who sells or lets on hire, or as agent of the seller or hirer causes or procures to be sold or let on hire, for use in a factory in the United Kingdom any machine intended to be driven by mechanical power which does not comply with the requirements of this section shall be guilty of an offence and liable to a fine not exceeding two hundred pounds.
- (3) The Minister may by regulations extend the provisions of subsection (2) of this section to machinery or plant which does not comply with such requirements of this Act or of any regulation made thereunder as may be specified in the regulations, and any regulations made under this subsection may relate to machinery or plant in a specified process.
- (4) An offence under subsection (2) or subsection (3) of this section shall, where necessary for the purpose of conferring jurisdiction on any court to entertain proceedings for the offence, be deemed to have been committed in the place where the machine or, as the case may be, the machinery or plant, is for the time being.
- (5) Proceedings for such an Offence may be commenced at any time within the period of six months from the date on which evidence, sufficient in the opinion of the Minister

Status: This is the original version (as it was originally enacted).

to justify a prosecution for the offence, comes to his knowledge; and for the purposes of this subsection, a certificate, purporting to be signed by or on behalf of the Minister, as to the date on which such evidence came to his knowledge shall be conclusive evidence thereof.

- (6) Nothing in this section applies to any machine constructed before the thirtieth day of July, nineteen hundred and thirty-seven, and regulations under subsection (3) of this section shall not apply to any machinery or plant constructed before the making of the regulations.