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STATUTORY INSTRUMENTS

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**1993 No. 2482**

**HEALTH AND SAFETY**

**The Miscellaneous Factories (Transitional Provisions) Regulations 1993**

<i>Made</i>	- - - -	<i>14th October 1993</i>
<i>Laid before Parliament</i>		<i>22nd October 1993</i>
<i>Coming into force</i>	- -	<i>17th November 1993</i>

The Secretary of State, in exercise of the powers conferred upon him by sections 15(1) and (2) and 82(3)(a) of, and paragraph 1(1) and (2) of Schedule 3 to, the Health and Safety at Work etc. Act 1974<sup>(1)</sup>, and of all other powers enabling him in that behalf and for the purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Commission under section 11(2)(d) of the said Act after the carrying out by the said Commission of consultations in accordance with section 50(3) of that Act, hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Miscellaneous Factories (Transitional Provisions) Regulations 1993 and shall come into force on 17th November 1993.

(2) In these Regulations—

“work equipment” has the meaning assigned to it by regulation 2(1) of the Provision and Use of Work Equipment Regulations 1992<sup>(2)</sup>;

“workplace” and “new workplace” have the meanings respectively assigned to each of them by regulation 2(1) of the Workplace (Health, Safety and Welfare) Regulations 1992<sup>(3)</sup>.

(3) Words and phrases used in the Schedules to these Regulations and in the Factories Act 1961<sup>(4)</sup> shall have the same meanings in the said Schedules as in that Act.

**Transitional provisions in factories specified in the Schedules**

2.—(1) The provisions of Schedule 1 to these Regulations shall have effect with respect to work equipment first provided for use in any premises or undertaking before 1st January 1993.

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(1) 1974 c. 37; sections 15 and 50 were amended by the Employment Protection Act 1975 (c. 71), Schedule 15, paragraphs 6 and 16 respectively.  
(2) S.I. 1992/2932.  
(3) S.I. 1992/3004.  
(4) 1961 c. 34.

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(2) Subject to paragraph (3) of this regulation, the provisions of Schedule 2 to these Regulations shall have effect with respect to work equipment first provided for use in any premises or undertaking before 1st January 1993.

(3) Until 1st January 1996, the provisions of Schedule 2 to these Regulations shall not apply with respect to work equipment provided for use in a workplace or part of a workplace which is not—

- (a) a new workplace; or
- (b) a modification, an extension or a conversion.

(4) These Regulations shall cease to have effect on 1st January 1997.

Signed by order of the Secretary of State.

14th October 1993

*Michael Forsyth*  
Minister of State,  
Department of Employment

## SCHEDULE 1

Regulation 2(1)

### AERATED WATER

1. Every employer of employees who work in any factory or part thereof in which is carried on the manufacture of aerated water and processes incidental thereto shall ensure that—
  - (a) all machines for filling bottles or syphons shall be so constructed, placed or fenced, as to prevent as far as possible a fragment of a bursting bottle or syphon from striking any person employed in the works; and
  - (b) the fittings of a filled syphon shall not be polished unless the syphon is held in a box or case so constructed as to prevent as far as possible the escape of fragments of a bursting syphon. Provided that this sub-paragraph shall not apply in the case of syphons filled at a pressure of less than 9 bars.

## SCHEDULE 2

Regulation 2(2)

### PART I

#### HORIZONTAL MILLING MACHINES

1. The occupier of any factory or part thereof where a horizontal milling machine is used shall ensure that the requirements of paragraphs 2 to 7 of this Schedule are observed.
2. Effective measures shall be taken for securing and maintaining sufficient and suitable lighting at the machines, and where artificial lighting is provided the lighting points shall be so placed or shaded as to prevent direct rays of light from impinging on the eyes of the operator while he is operating the machine.
- 3.—(1) The cutter or cutters of every horizontal milling machine shall be fenced, by a strong guard properly adjusted to the work, which shall enclose the whole cutting surface except such part as is necessarily exposed for the milling operations.
  - (2) The guard shall either—
    - (a) be provided with adequate side flanges; or
    - (b) extend on each side of the cutter or cutters to the end of the arbor, or to the arbor support, or to a distance of not less than half the diameter of the cutter,provided that sub-paragraph (2) of this paragraph shall not apply to cutters used for face milling.
4. Every horizontal milling machine shall be provided with an efficient starting and stopping appliance, and the control of this appliance shall be in such a position as to be readily and conveniently operated by the person operating the machine.
5. When suds or other cutting lubricants are used on a horizontal milling machine suitable arrangements shall be made to enable the operator to apply the suds or lubricant or to adjust the supply pipe, and suitable means shall be provided for removing the swarf.
6. The guards or other appliances required by this Part of this Schedule shall be maintained in an efficient state and shall be constantly kept in position while the milling cutter is in motion except when the tool setter is setting up the machine.
7. Nothing in paragraph 3 shall apply to any milling cutter—

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- (a) used on a spindle which exceeds 65 millimetres in diameter or arbor which exceeds 50 millimetres in diameter at the place where the cutter is mounted; or
- (b) when used for—
  - (i) making tools, jigs or gauges for use in the factory or similarly accurate operations where during the actual cutting process all those parts of the machine which control the relative positions of the work and the cutter can be manipulated by the operator at his unrestricted discretion,
  - (ii) internal milling,
  - (iii) end milling other than face milling,
  - (iv) automatic gear cutting,
  - (v) automatic hobbing,
  - (vi) automatic profiling,
  - (vii) thread milling.

## PART II

### JUTE

**8.** The occupier of any factory or part thereof in which is carried on the spinning or weaving of jute or any process incidental thereto or the calendering or cropping of jute cloth shall ensure that in any workroom every steam pipe and steam exhaust pipe and the ends of every steam heated cylinder used in connection with a dressing machine shall be kept effectively covered with insulating material in good repair in such manner as to prevent, so far as is reasonably practicable, the escape of heat therefrom.

## PART III

### IRON AND STEEL FOUNDRIES

**9.** The occupier of any iron foundry or steel foundry shall ensure that no person carries out any work within a distance of 4 metres from a vertical line passing through the delivery end of any spout of a cupola or furnace, being a spout used for delivering molten metal, or within a distance of 2.4 metres from a vertical line passing through the nearest part of any ladle which is in position at the end of such a spout, except, in either case, where it is necessary for the proper use or maintenance of a cupola or furnace that that work should be carried out within that distance or that work is being carried out at such a time and under such conditions that there is no danger to the person carrying it out from molten metal which is being obtained from the cupola or furnace or is in a ladle in position at the end of the spout.

**10.** In paragraph 9 of this Schedule, “iron foundry” and “steel foundry” means those parts of a factory in which the production of iron castings or, as the case may be, steel castings (not being the production of pig iron or the production of steel in the form of ingots and not including die-casting) is carried on by casting in moulds made of sand, loam, moulding composition or other mixture of materials, or by shell moulding or by centrifugal casting in metal moulds lined with sand, together with any part of the factory in which any of the following processes are carried on as incidental processes in connection with, and in the course of, such production, namely, the preparation and mixing of materials used in the foundry process, the preparation of moulds and cores, knockout operations and dressing or fettling operations.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

1. These Regulations make provision for safety in the factories specified in the Schedules. The Regulations will cease to have effect on 1st January 1997 when the corresponding provisions in the Provision and Use of Work Equipment Regulations 1992 (S.I. 1992/2932) will come into force in respect of such factories.

2. The Regulations enact provisions to preserve the effect of the regulations set out in Column 1 of the Table below in workplaces in respect of which those Regulations were inadvertently revoked without replacement by the Regulations specified in Column 2 of the Table.

TABLE

Column 1	Column 2
The Aerated Water Regulations 1921 (S.R. and O. 1921/1932, amended by S.I. 1981/686), regulations 1 and 2	The Personal Protective Equipment at Work Regulations 1992 (S.I. 1992/2966)
The Horizontal Milling Machines Regulations 1928 (S.R. and O. 1928/548, amended by S.R. and O. 1934/207 and S.I. 1992/1811), the exemptions and regulations 2 to 6	The Workplace (Health, Safety and Welfare) Regulations 1992 (S.I. 1992/3004)
The Jute (Safety, Health and Welfare) Regulations 1948 (S.I. 1948/1696, to which there are amendments not relevant to these Regulations), regulation 15	
The Iron and Steel Foundries Regulations 1953 (S.I. 1953/1464, amended by S.I. 1981/1332), regulation 5	