

CHAPTER 100

FACTORIES ACT

• Act • Subsidiary Legislation •

ACT

Amended by

SRO 19 of 1967

Act No. 22 of 1973

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An Act to provide for the promotion of the health, safety and welfare of persons employed in factories.

[Amended by SRO 19 of 1967, Act No. 22 of 1973.]

[8th March, 1967.]

PART I

Introductory

1. Short title and application

(1) This Act may be cited as the Factories Act.

(2) Except where otherwise expressly provided, the provisions of this Act shall be in addition to and not in substitution for or in diminution of the provisions of any other Act.

2. Interpretation of “factory”

(1) Subject to the provisions of this section, “factory” means any premises in which, or within the close or curtilage or precincts of which, persons are employed in manual labour in any process for or incidental to any of the following purposes, namely—

- (a) the making of any article or of part of any article;
- (b) the altering, repairing, ornamenting, finishing, cleaning, or washing, or the breaking up or demolition of any article; or
- (c) the adapting for sale of any article,

being premises in which, or within the close or curtilage or precincts of which, the work is carried on by way of trade or for purposes of gain and to or over which the employer of the persons employed therein has the right of access or control.

And (whether or not they are factories by reason of the foregoing definition) “factory” also includes the following premises in which persons are employed in manual labour, that is to say—

- (i) any yard or dry dock (including the precincts thereof) in which ships or vessels are constructed, reconstructed, repaired, refitted, finished or broken up,
- (ii) any premises in which the business of sorting any articles is carried on as a preliminary to the work carried on in any factory or incidentally to the purposes of any factory,
- (iii) any premises in which the business of washing or filling bottles or containers or packing articles is carried on incidentally to the purposes of any factory,
- (iv) any premises in which the business of hooking, plaiting, lapping, making up or packing of yarn or cloth is carried on,
- (v) any laundry carried on as ancillary to another business, or incidentally to the purposes of any public institution,
- (vi) any premises in which the construction, reconstruction or repair of locomotives, vehicles, or other plant for use for transport purposes is carried on as ancillary to a transport undertaking or other industrial or commercial undertaking, not being any premises used for the purposes of housing locomotives or vehicles where only cleaning, washing, running repairs or minor adjustments are carried out,

- (vii) any premises in which printing by letterpress, lithography, photogravure, or other similar process, or bookbinding is carried on by way of trade or for purposes of gain or incidentally to another business so carried on,
- (viii) any premises in which the making, adaptation or repair of dresses, scenery or properties is carried on incidentally to the production, exhibition or presentation by way of trade or for purposes of gain of cinematograph films or theatrical performances, not being a stage or dressing-room of a theatre in which only occasional adaptations or repairs are made,
- (ix) any premises in which the business of making or mending nets is carried on incidentally to the fishing industry,
- (x) any premises in which mechanical power is used in connection with the making or repair of articles of metal or wood incidentally to any business carried on by way of trade or for purposes of gain,
- (xi) any premises in which the production of cinematograph films is carried on by way of trade for purposes of gain, so, however, that the employment at any such premises of theatrical performers, and of attendants on such theatrical performers shall not be deemed to be employment in a factory,
- (xii) any premises in which articles are made or prepared incidentally to the carrying on of building operations or works of engineering construction not being premises in which such operations or works are being carried on,
- (xiii) any premises used for the storage of gas in a gas holder having a storage capacity of not less than five thousand cubic feet,
- (xiv) any waterworks, pumping station, filtration plant, sewerage works or sewerage outfall,
- (xv) any premises in which any material is transformed or converted by way of trade or for purposes of gain.

(2) Any line or siding which is used in connection with and for the purposes of a factory, shall be deemed to be part of the factory; if any such line or siding is used in connection with more than one factory belonging to different occupiers, the line or siding shall be deemed to be a separate factory.

(3) A part of a factory may, with the approval in writing of the senior inspector, be taken to be a separate factory and two or more factories may, with the like approval, be taken to be a single factory.

(4) Any workplace in which, with the permission of or under agreement with the owner or occupier, two or more persons carry on any work which would constitute the workplace a factory if the persons working therein were in the employment of the owner or occupier shall be deemed to be a factory for the purposes of this Act, and the provisions of this Act shall apply as if the owner or occupier of the workplace were the occupier of the factory and the persons working therein were persons employed in the factory.

(5) No premises in or adjacent to and belonging to a quarry or mine being premises in which the only process carried on is the dressing or preparation for sale of minerals without the aid of mechanical power shall be deemed to be a factory.

(6) Where a place situate within the close, curtilage, or precincts forming a factory is solely used for some purpose other than the processes carried on in the factory, that place shall not be deemed to form part of the factory for the purposes of this Act, but shall, if otherwise it would be a factory, be deemed to be a separate factory.

(7) Premises shall not be excluded from the definition of a factory by reason only that they are open air premises.

(8) Where the Minister, by Order, so directs as respects all or any purposes of this Act, different branches or departments of work carried on in the same factory shall be deemed to be different factories.

(9) Any premises belonging to or in the occupation of the Crown or the Government or any municipal or other public authority shall not be deemed not to be a factory, and building operations or works of engineering construction undertaken by or on behalf of the Crown or the Government or any such authority shall not be excluded from the operation of this Act by reason only that the work carried on thereat is not carried on by way of trade or for purposes of gain.

3. General interpretation

(1) In this Act and in subsidiary legislation made thereunder, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

“bakehouse” means any place in which bread, biscuits, or confectionery is or are baked by way of trade or for purposes of gain;

“bodily injury” includes injury to health;

“building operation” means the construction, structural alteration, repair or maintenance of a building (including repainting, redecoration and external cleaning of the structure), the demolition of a building, and the preparation for, and laying the foundation of, an intended building, but does not include any operation which is a work of engineering construction within the meaning of this Act;

“calendar year” means the period of twelve months beginning with the 1st of January in any year;

“class or description”, in relation to factories, includes a group of factories described by reference to locality;

“competent person” means any person authorised in writing by the Minister to examine hoists and lifts or steam boilers;

“court of summary jurisdiction” means a magistrate’s court as constituted under the provisions of the Magistrates Act, Chapter 177;

“driving-belt” includes any driving strap or rope;

“fire authority” means the Chief of Police and includes any officer appointed by him or her to be in charge of measures for the putting out, control, or prevention of fires;

“fume” includes gas, vapour or smoke;

“general register” means the register kept in accordance with the requirements of section 55;

“inspector” means, except where otherwise expressed, an inspector appointed under this Act, and a reference to the inspector for the district refers, as respects any factory, to the inspector in charge of the district in which the factory is situate;

“machinery” includes any driving-belt;

“maintained” means maintained in an efficient state, in efficient working order, and in good repair;

“mechanical power” means power derived from a prime mover or obtained by the direct application of steam, water, gas, or air pressure;

“owner” means the person for the time being receiving the rack-rent of the premises in connection with which the word is used, whether on his or her own account or as agent or trustee for any other person, or who would so receive the rack-rent if the premises were let at a rack-rent;

“parent” means a parent or guardian of, or person having the legal custody of, or the control over a child or young person, and includes, in relation to any child or young person, any person having direct benefit from his or her wages;

“period of employment” means the period (inclusive of the time allowed for meals and rest) within which persons may be employed on any day;

“prime mover” means every engine, motor or other appliance which provides mechanical energy derived from steam, water, wind, electricity, the combustion of fuel, or other source;

“process” includes the use of any locomotive;

“safe working pressure” means, in the case of a new steam receiver, that specified by the maker; in the case of a steam receiver, which has been examined pursuant to section 24, it is that specified in the report of the last examination;

“Sanitary Authority” means the Sanitary Authority constituted under the Public Health Act, Chapter 263;

“sanitary conveniences” includes urinals, water-closets, earth-closets, privies, ash-pits, and any similar convenience;

“ship”, “vessel”, and “harbour”, have the same meaning as in the Merchant Shipping Act, 1894 of the United Kingdom;

“steam container” means any vessel (other than a steam pipe or coil) constructed with a permanent outlet into the atmosphere or into a space where the pressure does not exceed atmospheric pressure and through which steam is passed at atmospheric pressure, or at that pressure approximately, for the purpose of heating, boiling, drying, evaporating, or other similar purposes;

“steam receiver” means any vessel or apparatus (other than a steam boiler, steam container, steam pipe or coil, or a part of a prime mover) used for containing steam under pressure greater than atmospheric pressure;

“transmission machinery” means every shaft, wheel, drum, pulley, system of fast and loose pulleys, coupling, clutch, driving-belt or other device by which the motion of a prime mover is transmitted to or received by any machine or appliance;

“week” means the period between midnight on Saturday night and midnight on the succeeding Saturday night;

“woman” means a person of the female sex who has attained the age of eighteen years;

“works of engineering construction” means the construction of any railway line or siding, and the construction, structural alteration or repair (including repointing and repainting) or the demolition of any dock, harbour, inland navigation, tunnel, bridge, viaduct, waterworks, reservoir, pipe-line, aqueduct, sewer, sewerage works, gasholder, oil tank, road, trace or footpath;

“young person” means a person who has attained the age of fourteen and has not attained the age of eighteen years.

(2) For the purposes of this Act, machinery or plant shall be deemed to have been constructed or reconstructed before the passing of this Act or the making of subsidiary legislation under this Act, and a factory or building shall be deemed to have been constructed, reconstructed, extended, added to, or converted for use as a factory, before the passing or commencement of this Act or the coming into operation of any provision of this Act, if the construction, reconstruction, extension, addition, or conversion was begun before the passing or commencement of this Act, or the making of subsidiary legislation under this Act, or the coming into operation of any provision of this Act, as the case may be.

(3) For the purposes of this Act, a factory shall not be deemed to be a factory in which mechanical power is used by reason only that mechanical power is used for the purpose of ventilating or lighting the workrooms or other parts of the factory.

(4) A woman, young person, or child who works in a factory, whether for wages or not, either in a process or in cleaning any part of the factory used for any process, or in cleaning or oiling any part of the machinery or plant, or in any other kind of work whatsoever incidental to or connected with the process, or connected with the article made or otherwise the subject of the process therein, shall, save as is otherwise provided by this Act or subsidiary legislation made thereunder, be deemed to be employed therein for the purposes of this Act or of any proceedings thereunder:

Provided that any woman employed solely in cleaning a factory or any part thereof, otherwise than in cleaning which is incidental to or connected with any process, shall not be deemed for the purposes of regulations or orders made under this Act controlling hours of employment to be employed in the factory.

(5) For the purposes of this Act and subsidiary legislation made thereunder, an apprentice shall be deemed to be a person employed.

4. Application of the Act to young persons employed in factories in certain occupations

A young person who works in a factory, whether for wages or not, in collecting, carrying or delivering goods, carrying messages or running errands shall be deemed to be employed in the factory for the purposes of this Act or of any proceedings thereunder.

PART II

Health (General Provisions)

5. Cleanliness

Every factory shall be kept in a clean state, and free from effluvia arising from any drain, sanitary convenience or nuisance, and, without prejudice to the generality of the foregoing provision—

- (a) accumulations of dirt and refuse shall be removed daily by a suitable method from the floors and benches or workrooms, and from the staircases and passages;
- (b) all such dirt and refuse as aforesaid, and all waste organic matter, whether resulting from any of the processes carried on in the factory or from any other cause, shall be, where practicable, removed daily to a covered pit or receptacle, and effective means shall be provided, maintained and used to prevent, so far as possible, the breeding of flies, mosquitoes or other insects, or rats, mice or other vermin;
- (c) the floor of every workroom shall be cleaned thoroughly at least once in every week by washing or, if it is effective and suitable, by sweeping or other method;
- (d) all inside walls and partitions, and all ceilings or tops of rooms, and all walls, sides and tops of passages and stair cases shall—
 - (i) where they have a smooth impervious surface, at least once in every period of six months be washed with water and soap or other suitable detergent, or cleaned by such other method as may be approved in writing by the senior inspector,

- (ii) where they are painted with oil-paint or varnished, be repainted or revarnished at least once in every period of five years, and at least once in every period of six months be washed with water and soap or other suitable detergent, or cleaned by such other methods as may be approved in writing by the senior inspector,
- (iii) in other cases be kept whitewashed or colour-washed, and the white-washing or colour-washing shall be repeated at least once in every period of twelve months.

6. Overcrowding

(1) A factory shall not, while work is carried on, be so overcrowded as to cause risk of injury to the health of the persons employed therein.

(2) Without prejudice to the generality of the foregoing provisions, in every workroom in a factory there shall be allowed for every person employed in the room not less than four hundred cubic feet of space, except that in any workroom with not less than one side, or the equivalent area of openings, being not less than twenty-five per cent of the total area of all the sides of the room open to the outer air, the amount of space allowed for every person employed in the room shall be not less than two hundred and fifty cubic feet.

(3) In calculating, for the purposes of this section, the amount of cubic space in any room, no space more than twelve feet from the floor shall be taken into account, and, where a room contains a gallery in which persons are employed, the gallery shall be treated for the purposes of this section as if it were partitioned off from the remainder of the room and formed a separate room.

(4) There shall be posted in every workroom a notice specifying the number of persons who may, under the provisions of this section, be employed in that room.

7. Ventilation

Adequate ventilation by the circulation of fresh air shall be maintained in each workroom and all fumes, dust and other impurities that may be injurious to health generated in the course of any process or work carried on in the factory, shall be, so far as practicable, rendered harmless and removed by mechanical means if necessary.

8. Lighting

(1) Sufficient and suitable lighting, whether natural or artificial, shall be provided and maintained in every part of a factory in which persons are working or through which they may pass.

(2) All glazed windows and skylights used for the lighting of workrooms shall, so far as practicable, be kept clean on both the inner and outer surfaces and free from obstruction:

Provided that this subsection shall not affect the whitewashing or shading of windows and skylights for the purpose of mitigating heat or glare.

9. Drainage of floors

Where any process is carried on which renders the floor liable to be wet to such an extent that the wet is capable of being removed by drainage, effective means shall be provided and maintained for draining off the wet.

10. Sanitary conveniences

Sufficient and suitable sanitary conveniences for the persons employed in a factory shall be provided, maintained and kept clean, and adequate lighting for the conveniences

shall be provided and maintained and, where persons of both sexes are or are intended to be employed, such conveniences shall afford proper separate accommodation for persons of each sex.

11. Enforcement by the Sanitary Authority of certain provisions of Part II

(1) The foregoing provisions of this Part relating to sanitary conveniences and subsidiary legislation made in pursuance thereof shall be enforced by the Sanitary Authority.

(2) The foregoing provisions of this Part relating to cleanliness, overcrowding, ventilation and drainage of floors and subsidiary legislation made in pursuance thereof shall, as respects any factory in which mechanical power is not used, be enforced by the Sanitary Authority.

(3) The Sanitary Authority shall keep a register of all factories with respect to which the duty of enforcing any of the said provisions is imposed upon them.

(4) For references in any of the foregoing provisions of this Part to an inspector there shall, as respects any factory or part thereof in which that provision is enforceable by the Sanitary Authority, be substituted references to an officer of the Sanitary Authority.

12. Powers of an inspector as to sanitary defects remediable by Sanitary Authority

(1) Where an inspector finds any act or default, in relation to any drain, sanitary convenience, water supply, nuisance, or other matter in a factory which is liable to be dealt with by the Sanitary Authority under this Part or under the law relating to public health, he or she shall give notice thereof in writing to the Sanitary Authority and it shall be the duty of the Sanitary Authority to make such inquiry into the subject of the notice, and take such action thereon, as seems to it proper for the purpose of enforcing the law, and to inform the inspector of the proceedings taken in consequence of the notice.

(2) Where an inspector finds any such act or default as aforesaid, he or she may take with him or her into the factory a medical officer of health, sanitary inspector, or other officer of the Sanitary Authority.

PART III

Safety (General Provisions)

13. Prime movers

(1) Every flywheel directly connected to any prime mover and every moving part of any prime mover, except such prime movers as are mentioned in subsection (3), shall be securely fenced, whether the flywheel or prime mover is situated in an engine house or other enclosure or not.

(2) The head and tail race of every water-wheel and of every water-turbine shall be securely fenced.

(3) Every part of electric generators, motors and rotary converters, and every flywheel directly connected thereto, shall be securely fenced unless it is in such a position or of such construction as to be as safe to every person employed or working on the premises as it would be if securely fenced.

14. Transmission machinery

(1) Every part of the transmission machinery shall be securely fenced unless it is in such a position or of such construction as to be as safe to every person employed or working on the premises as it would be if securely fenced.

(2) Efficient devices or appliances shall be provided and maintained in every room or place where work is carried on by which the power can promptly be cut off from the transmission machinery in that room or place.

(3) No driving belt when not in use shall be allowed to rest or ride upon a revolving shaft which forms part of the transmission machinery.

(4) Suitable striking gear or other efficient mechanical appliances shall be provided and maintained and used to move driving belts to and from fast and loose pulleys which form part of the transmission machinery, and any such gear or appliances shall be so constructed, placed and maintained as to prevent the driving belt from creeping back on to the fast pulley.

15. Other machinery

(1) Every dangerous part of any machinery, other than prime movers and transmission machinery, shall be securely fenced unless it is in such a position or of such construction as to be as safe to every person employed or working on the premises as it would be if securely fenced:

Provided that, in so far as the safety of a dangerous part of any machinery cannot by reason of the nature of the operation be secured by means of a fixed guard, the requirements of this section shall be deemed to have been complied with if a device is provided which automatically prevents the operator from coming into contact with that part.

(2) Any part of a stock-bar which projects beyond the head-stock of a lathe shall be securely fenced unless it is in such position as to be as safe to every person employed or working on the premises as it would be if securely fenced.

16. Dangerous ways, works or plant

Every dangerous part of the ways, works or plant shall be so enclosed, covered, fenced, or otherwise effectively guarded as to prevent danger.

17. Construction and maintenance of fencing

All fencing or other safeguards provided in pursuance of the foregoing provisions of this Part or subsidiary legislation made in pursuance thereof shall be of substantial construction, and constantly maintained and kept in position while the parts required to be fenced or safeguarded are in motion or in use, except when any such parts are exposed for examination, lubrication or adjustment which it is necessary to carry out while they are in motion.

18. Construction and sale of new machinery

(1) In the case of any machine in a factory being a machine intended to be driven by mechanical power—

- (a) every set-screw, bolt, nut, key or key-way 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 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 of three thousand dollars.

(3) Nothing in this section shall apply to any machine constructed before the passing of this Act.

19. Cleaning of machinery in motion

No person shall clean any part of a prime mover or of any transmission machinery while the prime mover or transmission machinery is in motion by mechanical power, and no person shall clean any part of any machine if the cleaning thereof would expose him or her to risk of injury from any moving part either of that machine or of any adjacent machinery.

20. Construction and maintenance of floors, passages, stairs and guard-rails

(1) All floors, steps, stairs, passages and gangways and all hand-rails and guard-rails shall be of sound construction and properly maintained.

(2) Every staircase and flight of steps in a building or affording a means of exit from a building shall be provided with a substantial hand-rail which, if the staircase or flight of steps has an open side, shall be on that side, and, in the case of a staircase or flight of steps having two open sides, or in the case of a staircase or flight of steps which, owing to the nature of the construction thereof or the condition of the treads or other special circumstances, is specially liable to cause accidents, such a hand-rail shall be provided on both sides. Any open side of a staircase or flight of steps shall also be guarded by the provision of a lower rail or other effective means.

(3) All openings in floors shall be securely fenced, except in so far as the nature of the work renders such fencing impracticable.

(4) Every ladder shall be soundly constructed and properly maintained and shall be of adequate length for the purpose for which it is at any time being used.

21. Safe means of access and place of employment

(1) There shall, so far as is reasonably practicable, be provided and maintained safe means of access to every place at which any person has at any time to work.

(2) Where any person is to work at a place from which he or she will be liable to fall a distance more than ten feet, means shall be provided, so far as is necessary and practicable, by fencing or otherwise for ensuring his or her safety.

22. Hoists and lifts

(1) Every hoist or lift shall be of good mechanical construction, sound material and adequate strength, and be properly maintained.

(2) Every hoist or lift shall be thoroughly examined by a competent person at least once in every period of twelve months, and a report of the result of every such examination in the prescribed form and containing the prescribed particulars shall be signed by the person making the examination and shall within fourteen days be entered in or attached to the general register.

(3) Such competent person as aforesaid shall not be in the employ of the occupier of the premises in which the hoist or lift is situate and shall not be in the employ of the owner or hirer of the hoist or lift.

(4) Every hoistway or liftway shall be efficiently protected by a substantial enclosure fitted with gates, being such an enclosure as to prevent, when the gates are shut, any person falling down the way or coming into contact with any moving part of the hoist or lift.

(5) Any such gate as aforesaid shall be kept effectively closed except when the cage or platform is at the landing or opening in the enclosure to which the gate is fitted.

(6) Every hoist or lift and every such enclosure as aforesaid shall be so constructed as to prevent any part of any person or goods carried in the hoist or lift being trapped between any part of the hoist or lift and any fixed structure or between the counterbalance weight and any other moving part of the hoist or lift.

(7) There shall be marked conspicuously on every hoist or lift the maximum working load which it can safely carry and no load greater than that load shall be carried on or in any hoist or lift.

(8) In the case of a continuous hoist or lift subsections (4) to (7) inclusive shall not apply and in the case of a hoist or lift not connected with mechanical power and used only for the carriage of goods and the effective floor area of which does not exceed four square feet subsections (2) and (3) shall not apply.

(9) For the purposes of this section, no lifting machine or appliance shall be deemed to be a hoist or lift unless it has a platform or cage the direction of movement of which is restricted by a guide or guides.

(10) Every doorway or similar opening used for hoisting or lowering goods or materials, whether by mechanical power or otherwise, shall be securely fenced, and shall be provided with a secure hand-hold on each side of the opening or doorway. The fencing shall be properly maintained and shall, except when the hoisting or lowering of goods or materials is being carried on at the opening or doorway, be kept in position.

(11) This section and any subsidiary legislation made in pursuance thereof shall apply to every hoist or lift (other than a hoist or lift used solely for domestic purposes and in which no person is carried), whether situate in premises to which this Act applies or not; except that, where the hoist or lift is situate wholly or partly in premises to which this Act does not apply, the report of examination required by subsection (2) shall not be required to be entered in or attached to the general register but shall, within fourteen days, be sent to the inspector for the district and on its return to the owner or hirer of the hoist or lift be kept available for inspection, and the owner or hirer of the hoist or lift shall be responsible for the observance of the provisions of this section and of any subsidiary legislation made in pursuance thereof and in the event of a contravention thereof shall be guilty of an offence.

(12) No hoist or lift shall be taken into use until it has been examined and reported on in accordance with the provisions of subsection (2).

23. Steam boilers

(1) Every steam boiler, whether separate or one of a range—

(a) shall have attached to it—

- (i) a suitable safety valve, separate from any stop valve, which shall be so adjusted as to prevent the boiler being worked at a greater pressure than the maximum permissible working pressure and shall be fixed directly to, or as close as practicable to, the boiler,
- (ii) a suitable stop valve connecting the boiler to the steam pipe,
- (iii) a correct steam pressure gauge connected to the steam space and easily visible by the boiler attendant, which shall indicate the pressure of steam in the boiler in pounds per square inch, and have marked upon it in a distinctive colour the maximum permissible working pressure,
- (iv) two water gauges, of which at least one shall be of transparent material or other type approved by the senior inspector, to show the water level in the boiler, and, if a gauge is of the glass tubular type, the gauge shall be provided with an efficient guard but not so as to obstruct the reading of the gauge, or

- (v) one water gauge of transparent material or other type as aforesaid provided, if of the tubular type, with a guard as aforesaid, and not less than two water level test cocks to indicate the correct level of water in the boiler; and
- (b) shall be provided with means for attaching a test pressure gauge; and
- (c) unless externally fired, shall be provided with a suitable fusible plug or an efficient low water alarm device:

Provided that paragraph (a)(ii) shall not apply with respect to economisers, and paragraph (a)(iii), (iv) and (v), and paragraphs (b) and (c) shall not apply with respect to either economisers or superheaters.

(2) In the case of a steam boiler in a ship or other floating vessel every such boiler shall, in addition to the foregoing provisions, have attached to it—

- (a) a second safety valve as described in subsection (1)(a)(i) and both valves shall be of the direct spring loaded type;
- (b) a suitable blow-off cock or valve so as to permit the pressure inside the boiler to be reduced to atmospheric pressure within a reasonable time in case of emergency;
- (c) a salinometer cock or valve.

(3) For the purposes of subsection (1), a lever-valve shall not be deemed a suitable safety valve unless the weight is secured on the lever in the correct position.

(4) No person shall enter or be in any steam boiler which is one of a range of two or more steam boilers unless—

- (a) all inlets through which steam or hot water might otherwise enter the boiler from any other part of the range are disconnected from that part; or
- (b) all valves, taps or cocks controlling such entry are closed and securely locked, and, where the boiler has a blow-off pipe in common with one or more other boilers or delivering into a common blow-off vessel or sump, the blow-off valve, tap or cock on each such boiler is so constructed that it can only be opened by a key which cannot be removed until the valve, tap or cock is closed and is the only key in use for that set of blow-off valves, taps or cocks.

(5) Every part of every steam boiler shall be of good construction, sound material, adequate strength, and free from patent defect.

(6) Every steam boiler and all its fittings and attachments shall be properly maintained.

(7) Every steam boiler and all its fittings and attachments shall be thoroughly examined by a competent person at least once in every period of twelve months, and also after any extensive repairs.

(8) A report of the result of every such examination in the prescribed form and containing the prescribed particulars (including the maximum permissible working pressure) shall, as soon as practicable and in any case within twenty-one days of the completion of the examination, be entered in or attached to the general register, and the report shall be signed by the person making the examination.

(9) No steam boiler which has previously been used shall be taken into use again until it has been examined and reported on in accordance with the last two foregoing subsections; and no new steam boiler shall be taken into use unless there has been obtained from the manufacturer of the boiler, or from a person competent to examine boilers, a certificate specifying the maximum permissible working pressure thereof, and stating the nature of the tests to which the boiler and fittings have been submitted, and the certificate is kept available for inspection, and the boiler is so marked as to enable it to be identified as the boiler to which the certificate relates; and no new steam boiler shall be

put into use until it has also been hydraulically tested on the site by a competent person as aforesaid to at least one and a half times the maximum permissible working pressure, and the date of the test and the pressure applied shall be entered in the certificate which shall be signed by the person making the test:

Provided that the provisions of this subsection relating to steam boilers which have previously been used shall not apply to any such boiler used intermittently by the same owner or hirer except on the first occasion when the said owner or hirer takes the boiler into use.

(10) Where the report of any examination under this section specifies conditions for securing the safe working of a steam boiler, the boiler shall not be used except in accordance with those conditions.

(11) If the person employed to make any such examination as aforesaid fails to make a thorough examination as required by this section or makes a report which is false or deficient in any material particular, he or she shall be guilty of an offence and liable to a fine of one thousand five hundred dollars.

(12) In this Part, the expression “maximum permissible working pressure” means, in the case of a new steam boiler, that specified in the certificate referred to in subsection (9) and in the case of a steam boiler which has been examined in accordance with the provisions of this section, that specified in the report of the last examination; and the expression “steam boiler” means any closed vessel in which for any purpose steam is generated under pressure greater than atmospheric pressure, and includes any economiser used to heat water being fed to any such vessel, and any superheater used for heating steam.

(13) This section and subsidiary legislation made in pursuance thereof shall not apply to the boiler of any ship (other than a ship owned or worked by or on behalf of the Government, or any owner or hirer resident in Grenada, and ordinarily used within the territorial waters of Grenada), or a boiler used solely for domestic purposes at a pressure not exceeding one atmosphere, but shall apply to every other steam boiler whether the boiler is situate in premises to which this Act applies or not.

(14) In the case of a steam boiler situate in premises to which this Act does not apply, the report of examinations required by subsection (8) shall not be required to be entered in or attached to the general register but shall, within twenty-one days, be sent to the inspector for the district and on its return to the owner or hirer of the boiler shall be kept available for inspection, and the owner or hirer of the boiler shall be responsible for the observance of the provisions of this section and of subsidiary legislation made in pursuance thereof and in the event of a contravention thereof shall be guilty of an offence.

(15) No steam boiler shall be worked at a pressure higher than the maximum permissible working pressure and if any steam boiler is so worked, the occupier of the factory or place in which the boiler is situate or the owner or hirer of the boiler, as the case may be, shall be guilty of an offence and shall be liable for a first offence to a fine of one thousand five hundred dollars, and for a second offence to a fine of three thousand dollars, and for a third or subsequent offence to a fine of five thousand dollars.

(16) The competent person referred to in subsections (7) and (9) shall not be in the employ of the occupier of the premises in which the steam boiler which the competent person examines is situate, and shall not be in the employ of the owner or hirer of the boiler.

24. Steam receivers and steam containers

(1) Every steam receiver not so constructed and maintained as to withstand with safety the maximum permissible working pressure or the maximum which can be obtained in the pipe connecting the receiver with any other source of supply, shall be fitted with—

- (a) a suitable reducing valve or other suitable automatic appliance to prevent the safe working pressure being exceeded;
- (b) a suitable safety valve so adjusted as to permit the steam to escape as soon as the safe working pressure is exceeded, or a suitable appliance for cutting off automatically the supply of steam as the safe working pressure is exceeded;
- (c) a correct steam pressure gauge, which must indicate the pressure of steam in the receiver in pounds per square inch;
- (d) a suitable stop gauge;
- (e) except where only one steam receiver is used, a plate bearing a distinctive number which shall be easily visible.

The safety valve and pressure gauge shall be fitted either on the steam receiver or on the supply pipe between the receiver and the receiving valve or other appliance to prevent the safe working pressure being exceeded.

(2) For the purpose of the provisions of the foregoing subsection, except paragraph (e) thereof, any set of receivers supplied with steam through a single pipe and forming part of a single machine may be treated as one receiver and for the purpose of the said provisions except paragraphs (d) and (e) thereof, any other set of receivers supplied with steam through a single pipe may be treated as one receiver:

Provided that this subsection shall not apply to any such set of receivers unless the reducing valve or other appliance to prevent the safe working pressure being exceeded is fitted on the single pipe.

(3) Every part of every steam receiver shall be of good construction, sound material, adequate strength, and free from patent defect.

(4) Every steam receiver and its fittings shall be properly maintained, and shall be thoroughly examined by a competent person, so far as the construction of the receiver permits, at least once in every period of twenty-six months.

(5) A report of the result of every such examination containing the prescribed particulars (including particulars of the safe working pressure) shall be entered in or attached to the general register.

(6) Every steam container shall be so maintained as to ensure that the outlet is at all times kept open and free from obstruction.

25. Air pressure containers

(1) Every air pressure container shall—

- (a) have marked upon it so as to be plainly visible the safe working pressure;
- (b) in the case of a container connected with an air compressing plant either be so constructed as to withstand with safety the maximum pressure which can be obtained in the compressor, or be fitted with a suitable reducing valve or other suitable appliance to prevent the safe working pressure of the container being exceeded;
- (c) be fitted with a suitable safety valve so adjusted as to permit the air to escape as soon as the safe working pressure is exceeded;
- (d) be fitted with a correct pressure gauge indicating the pressure in the container in pounds per square inch;
- (e) be so fitted with a suitable appliance for draining the container as to enable all liquid to be drained from the lowest point in the container;
- (f) be provided with a suitable manhole, hand-hole, or other means which will allow the interior to be thoroughly cleaned; and

(g) in a case where more than one container is in use in the factory or other place, bear a distinguishing mark which shall be easily visible.

(2) For the purpose of the provisions of the foregoing subsection relating to safety valves and pressure gauges, any set of air pressure containers supplied with air through a single pipe may be treated as one container:

Provided that, in a case where a suitable reducing valve or other suitable appliance to prevent the safe working pressure being exceeded is required to be fitted, this subsection shall not apply unless the reducing valve or other appliance is fitted on the single pipe.

(3) Every air pressure container and all its fittings shall be of sound construction and properly maintained.

(4) Every air pressure container shall be thoroughly cleaned, examined and subjected to a suitable hydraulic test at least once in every period of twelve months. Every such examination and test shall be carried out by a competent person, and a report of the result of every such examination and test in the prescribed form and containing the prescribed particulars (including particulars of the safe working pressure) shall, within twenty-one days, be entered in or attached to the general register.

(5) No air pressure container which has previously been used shall be taken into use again until it has been examined and tested and reported on in accordance with the last foregoing subsection; and no new air pressure container shall be taken into use unless there has been obtained from the manufacturer of the container, or from a person competent to examine and test air pressure containers, a certificate specifying the safe working pressure thereof, and stating the nature of the test to which the container and fittings have been submitted, and the certificate is kept available for inspection, and the container is so marked as to enable it to be identified as the container to which the certificate relates; and no new air pressure container shall be put into use until it has also been hydraulically tested on the site by a competent person as aforesaid to at least one and a half times the safe working pressure, and the date of the test and the pressure applied shall be entered in the certificate which shall be signed by the person making the test:

Provided that the provisions of this subsection relating to air pressure containers which have previously been used shall not apply to any such container used intermittently by the same owner or hirer except on the first occasion when the said owner or hirer takes the container into use.

(6) In this section, the expression "safe working pressure" means, in the case of a new air pressure container, that specified in the certificate referred to in subsection (5) and, in the case of an air pressure container which has been examined and tested in accordance with the provisions of this section, that specified in the report of the last examination; and the expression "air pressure container" means—

- (a) any vessel (other than a pipe or coil, or an accessory, fitting or part of a compressor) for containing compressed air;
- (b) any vessel for containing compressed exhaust gases and used for the purpose of starting an internal combustion engine; or
- (c) any vessel (not being part of a grease gun or spraying pistol) in which grease, oil, paint, varnish, lacquer, or any liquid is stored and from which such material or liquid is forced by compressed air:

Provided that the provisions of subsection (1)(e) of this section shall not apply to any such vessel as is mentioned in paragraph (c) of this subsection.

(7) This section and subsidiary legislation made in pursuance thereof shall not apply to an air pressure container on any ship (other than a ship owned or worked by or on behalf of the Government, or any owner or hirer resident in Grenada and ordinarily used within the territorial waters of Grenada), or any container used solely for domestic

purposes at a pressure not exceeding one atmosphere, or any container into which the air is pumped by hand and in which the pressure does not exceed one atmosphere, but shall apply to every other air pressure container whether the container is situated in premises to which this Act applies or not.

(8) In the case of an air pressure container situated in premises to which this Act does not apply, the report of examination and test required by subsection (4) shall not be required to be entered in or attached to the general register but shall, within twenty-one days, be sent to the inspector for the district and on its return to the owner or hirer of the container shall be kept available for inspection, and the owner or hirer of the container shall be responsible for the observance of the provisions of this section and of subsidiary legislation made in pursuance thereof and in the event of a contravention thereof shall be guilty of an offence.

(9) No air pressure container shall be worked at a pressure higher than the safe working pressure, and if any air pressure container is so worked, the occupier of the factory or place in which the container is situated or the owner or hirer of the container, as the case may be, shall be guilty of an offence and liable to a fine of one thousand five hundred dollars.

(10) The competent person referred to in subsections (4) and (5) shall not be in the employ of the occupier of the premises in which the air pressure container which the competent person examines is situated, and shall not be in the employ of the owner or hirer of the container.

26. Chains, ropes, lifting tackle and cranes

No chain, rope or lifting tackle and no crane or other lifting machine shall be used otherwise than in accordance with any regulation or Order which may be made by the Minister under section 34.

27. Means of escape in case of fire

(1) (a) Every factory to which this section applies shall be certified by the fire authority as being provided with such means of escape in case of fire for the persons employed therein as may reasonably be required in the circumstances of each case and, if any premises with respect to which no such certificate is in force are used as a factory, the occupier shall be guilty of an offence and liable to a fine of one thousand five hundred dollars, and if the contravention in respect of which he or she was so convicted is continued after the conviction, he or she shall (subject to the provisions of section 72) be guilty of a further offence and liable to a fine of one hundred and fifty dollars for each day on which the offence was so continued.

(b) It shall be the duty of the fire authority to examine every such factory and, on being satisfied that the factory is so provided as aforesaid, to give such a certificate accordingly. The certificate shall specify precisely and in detail the means of escape provided, and shall contain particulars as to the maximum number of persons employed or proposed to be employed in the factory as a whole and, if the fire authority thinks fit, in any specified part thereof, and as to any explosive or highly inflammable material stored or used and as to other matters taken into account in granting the certificate. The certificate shall be attached by the occupier to the general register and a copy of it shall be sent by the fire authority to the inspector for the district and also to the Sanitary Authority.

(2) All means of escape specified in the certificate as aforesaid shall be properly maintained and kept free from obstruction.

(3) In the case of any factory constructed or converted for use as such before the coming into operation of this section, no offence shall be deemed to be committed under this section by reason of the use of the factory during any period that may elapse between

the coming into operation of this section and the grant or refusal of a certificate by the fire authority after examining the factory under this section, and if the fire authority refuses 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 fire authority.

(4) If, after the grant of a certificate, it is proposed to make any material extension or material structural alteration of the factory premises or to increase materially the number of persons employed in the factory or in any part specified in the certificate, or to begin to store or use explosive or highly inflammable material in the factory or materially to increase the extent of such storage or use, the occupier shall give notice in writing to the fire authority of the proposal and also to the Sanitary Authority.

(5) If the fire authority on receipt of the notice mentioned in the last foregoing subsection is of opinion that the conditions in regard to escape in case of fire will be affected, or if at any time the fire authority is satisfied that by reason of changed conditions the existing means of escape have become insufficient, the fire authority may by notice in writing require the occupier to make such alterations, within such period, as may be specified in the notice.

(6) If it appears to an inspector that dangerous conditions in regard to escape in case of fire exist in any factory to which this section applies he or she may give notice thereof in writing to the fire authority, and it shall be the duty of the fire authority forthwith to examine the factory, and the fire authority may by notice in writing require the occupier to make such alterations, within such period, as may be specified in the notice.

(7) The occupier shall, within the period specified in any notice of the fire authority under this section, carry out any alterations required by the notice, and upon their being carried out the fire authority shall amend the certificate or issue a new certificate, and shall send a copy of the amended or new certificate to the inspector for the district, and if the alterations are not so carried out, the fire authority shall, without prejudice to the taking of other proceedings, cancel the certificate.

(8) When notice is given by an inspector to the fire authority under this section the fire authority shall inform the inspector and the Sanitary Authority of any action taken for remedying the dangerous conditions.

(9) If the occupier of any factory is aggrieved by the refusal of the fire authority to grant a certificate under this section or by being required by the fire authority under this section to carry out any alterations at the factory or by the cancellation of a certificate, he or she may appeal by way of complaint, within twenty-one days of the refusal, notice of requirement, or cancellation, to a court of summary jurisdiction, and, pending the final determination of the appeal, no offence shall be deemed to be committed under this section by reason that the premises to which the appeal relates are used as a factory without a certificate being in force with respect thereto; and the decision of the court shall be binding on the occupier and the fire authority.

(10) If it appears to an inspector that the conditions in regard to escape in case of fire in any factory to which this section applies are so dangerous that the factory or any part thereof ought not to be used, or ought not to be used for a particular process or work, until steps have been taken to remedy the danger he or she may, in lieu of serving a notice on the fire authority under the foregoing provisions of this section, make a complaint to a court of summary jurisdiction, and the court may, on being satisfied of the matters aforesaid, by order prohibit the use of the factory or part thereof, or its use for the particular process or work, until such works have been executed as are in the opinion of the court necessary to remedy the danger. When any works have been executed in pursuance of such an order as aforesaid, the inspector shall give notice thereof to the fire authority, who shall amend any certificate in force under this section in respect of the factory, or issue a new certificate, as the case may require.

(11) An examination by the fire authority under this section shall only be carried out by officers authorised in writing by the fire authority to carry out that examination or generally to carry out examinations under this section.

(12) This section applies to every factory—

- (a) in which more than twenty persons are employed;
- (b) in which more than ten persons are employed in the same building on any floor above the ground floor of the building; or
- (c) in or under which explosive or highly inflammable materials are stored or used.

28. Safety provisions in case of fire

(1) While any person is within a factory for the purpose of employment or meals, the doors of the factory, and of any room therein in which the person is, and any doors which afford a means of exit for persons employed in the factory from any building or from any enclosure in which the factory is situated, shall not be locked or fastened in such manner that they cannot be easily and immediately opened from the inside.

(2) Any doors opening on to any staircase or corridor from any room in which more than ten persons are employed, and in the case of any factory constructed or converted for use as a factory after the coming into operation of this section, all other doors affording a means of exit from the factory for persons employed therein, shall, except in the case of sliding doors, be constructed to open outwards.

(3) In any factory constructed or converted for use as a factory before the coming into operation of this section, in which more than ten persons are employed in the same building above the ground floor, any door which is not kept continuously open, at the foot of a staircase affording a means of exit from the building shall, except in the case of sliding doors, be constructed to open outwards.

(4) Every hoistway or liftway inside a building constructed after the coming into operation of this section shall, subject as hereinafter provided, be completely enclosed with fire resisting materials, and all means of access to the hoist or lift shall be fitted with doors of fire resisting materials:

Provided that any such hoistway or liftway shall be enclosed at the top only by some material easily broken by fire, or be provided with a vent at the top.

(5) Every window, door, or other exit affording means of escape in case of fire or giving access thereto other than the means of exit in ordinary use, shall be distinctly and conspicuously marked by a notice printed in red letters of an adequate size.

(6) Where in any factory more than twenty persons are employed in the same building, or explosive or highly inflammable materials are stored or used in any building in which persons are employed, effective provision shall be made for giving warning in case of fire, which shall be clearly audible throughout the building.

(7) The contents of any room in which persons are employed shall be so arranged or disposed that there is a free passage-way for all persons employed in the room to a means of escape in case of fire.

29. Instructions as to use of means of escape in case of fire

Where in any factory more than twenty persons are employed in the same building above the ground floor or explosive or highly inflammable materials are stored or used in any building where persons are employed, effective steps shall be taken to ensure that all the persons employed are familiar with the means of escape in case of fire and their use and with the routine to be followed in case of fire.

30. Power of court of summary jurisdiction to make orders as to dangerous conditions and practices

- (1) If on complaint by an inspector a court of summary jurisdiction is satisfied either—
- (a) that any part of the ways, works, machinery or plant used in a factory is in such a condition, or is so constructed or is so placed that it cannot be used without risk of bodily injury;
 - (b) that any process or work is carried on or anything is or has been done in any factory in such a manner as to cause risk of bodily injury; or
 - (c) that any factory is in such a condition that any process or work carried on therein cannot be so carried on without risk of bodily injury,

the court shall, as the case may require, by order—

- (i) prohibit the use of that part of the ways, works, machinery or plant, or, if it is capable of repair or alteration, prohibit its use until it is duly repaired or altered,
- (ii) require the occupier to take such steps as may be specified in the order for remedying the danger complained of, or
- (iii) prohibit the use of the factory or any part thereof until such works have been executed as are in the opinion of the court necessary to remove the danger.

(2) Where a complaint is or has been made under the last foregoing subsection, the court may, on application *ex parte* by the inspector, and on receiving evidence that the use of any such part of the ways, works, machinery, or plant or, as the case may be, the carrying on of any process or work or the doing of anything in such a manner as aforesaid, or the use of a factory or any part thereof in such a condition as aforesaid, involves imminent risk of serious bodily injury, make an interim order prohibiting either absolutely or subject to conditions, the use, carrying on or doing thereof until the earliest opportunity for hearing and determining the complaint.

PART IV

Health, Safety and Welfare

Special Provisions

31. Prohibition of use of white phosphorus in manufacture of matches

(1) No person shall use white phosphorus in the manufacture of matches.

(2) For the purposes of this Part, the expression “white phosphorus” means the substance usually known as white or yellow phosphorus.

32. Laundries

In every laundry—

- (a) effective steps shall be taken by means of a fan or otherwise to regulate the temperature in every ironing room, and to carry away the steam in every wash-house;
- (b) all stoves for heating irons shall be so separated from any ironing room or ironing table as to protect the workers from the heat thereof;
- (c) no self-heating iron emitting any noxious fumes shall be used.

33. Lifting excessive weights

A young person shall not be employed to lift, carry or move any load so heavy as to be likely to cause injury to him or her.

34. Power of Minister to make subsidiary legislation

(1) The Minister may make subsidiary legislation for the purposes of promoting the health, safety and welfare of employed persons, and for exempting occupiers, owners and other persons from any of the provisions of this Act in any case where he or she is satisfied that any such provision is not necessary for the purposes aforesaid.

(2) Without prejudice to the generality of the powers conferred by subsection (1), subsidiary legislation so made may, among other things—

- (a) prohibit the employment of, or regulate or limit the hours of employment of, all persons or any class of persons;
- (b) impose conditions on the use of, or require anything to be done to or in connection with the ways, works, machinery, or plant or any class or description of machine, machinery, or plant;
- (c) prohibit the employment of, or modify or limit the hours of employment of, all persons or any class of persons in connection with any manufacture, machinery, plant, process or description of manual labour;
- (d) prohibit, limit, or control the use of any material or process;
- (e) require special supervision, control, training, or inspection of all persons or any class of persons in connection with any manufacture, machinery, plant, process, or description of manual labour;
- (f) require the provision of protective clothing, welfare facilities, or any other thing to promote the health and welfare of all persons or any class of persons employed;
- (g) impose duties on owners or hirers, employed persons and other persons, as well as on occupiers;
- (h) prescribe the forms to be used in connection with the matter for which provision is made by this Act, and revoke or amend any forms which are directed or authorised by or under any other Act to be used in connection with these matters and substitute new forms for any of such forms:

Provided that before any subsidiary legislation is made embodying any of the provisions of paragraph (b), (c), (d), (e), (f) or (g), the Minister shall satisfy himself or herself that such provisions are necessary or in the case of the provisions of paragraph (f), that they are desirable and reasonably practicable.

(3) Subsidiary legislation so made may apply to all factories or other premises or places to which this Act applies or to any class or description of factories or premises or places as aforesaid, and may provide for the exemption of any specified class or description of persons, or of factories or premises or places as aforesaid, either absolutely or subject to conditions.

(4) Until other subsidiary legislation has been made under the provisions of this section the regulations and Orders in the First Schedule shall be deemed to have been made under this Act and in accordance with the requirements of section 69.

35. Power of Minister to make Orders

(1) Where in a factory or other premises or place to which this Act applies the Minister is satisfied that any manufacture, machinery, plant, process, or description of manual labour used is of such nature as to cause risk of bodily injury to, or be detrimental

to the welfare of, persons employed in connection therewith, or any class of those persons, he or she may, subject to the provisions of this Act, make such an Order as appears to him or her to be reasonably practicable and to meet the necessity of the case.

(2) An Order so made may, among other things—

- (a) prohibit the employment of, or modify or limit the hours of employment of, all persons or any class of persons in connection with any manufacture, machinery, plant, process, or description of manual labour;
- (b) prohibit, limit, or control the use of any material or process;
- (c) modify, vary, or extend with respect to all persons or any class of persons employed such provisions of this Act and subsidiary legislation made thereunder as impose requirements as to health, safety, or welfare; or
- (d) exempt, subject to such conditions as the Minister may consider necessary, any factory or part of a factory from any of the provisions of this Act or subsidiary legislation made thereunder which impose requirements as to health or welfare,

and may impose duties on owners or hirers, employed persons and other persons, as well as on occupiers.

(3) An Order so made may provide for the exemption of any specified class or description of persons either absolutely or subject to conditions.

36. Prohibition of importation and sale of articles made with prohibited materials

(1) It shall not be lawful to import matches made with white phosphorus.

(2) Where by subsidiary legislation made under this Act the use of any material or process is prohibited, the Minister may by Order prohibit the importation of any articles in the manufacture of which the material or process has been employed.

(3) Any article the importation of which is prohibited by or under this section shall be deemed to be included amongst the goods enumerated and described in the notices issued under the provisions of the Customs (Control and Management) Act, Chapter 75B.

(4) Any person who sells or offers or exposes for sale, or has in his or her possession for purposes of sale, any article the importation of which is prohibited by or under this section, shall be guilty of an offence, and shall, in addition to his or her liability in respect of the offence, forfeit any such article in his or her possession, and any article so forfeited shall be destroyed or otherwise dealt with as the court may think fit.

37. Power to take samples

(1) An inspector, at any time after informing the occupier, or if the occupier is not readily available a foreman or other responsible person in the factory, may take for analysis sufficient samples of any material in use or mixed for use in the manufacture of matches, or of any substance used or intended to be used in a factory being a substance in respect of which he or she suspects a contravention of any provision of this Act or subsidiary legislation made thereunder, or which in his or her opinion is likely to cause bodily injury to the persons employed.

(2) The occupier or the foreman or other responsible person aforesaid may, at the time when a sample is taken under this section, and on providing the necessary appliances, require the inspector to divide the sample into three parts, to mark and seal or fasten up each part in such manner as its nature permits, and—

- (a) to deliver one part to the occupier, or the foreman or other responsible person aforesaid;
- (b) to retain one part for future comparison;

- (c) to submit one part to the analyst,

and any analysis under this section shall be carried out by a Government department.

(3) A certificate purporting to be a certificate by a Government Chemist as to the result of an analysis of a sample under this section shall in any proceedings under this Act be admissible as evidence of the matters stated therein, but either party may require the person by whom the analysis was made to be called as a witness.

(4) It shall not be lawful for any person, except in so far as is necessary for the purposes of a prosecution for an offence under this Act, to publish or disclose to any person the results of an analysis made under this section, and if any person acts in contravention of this subsection he or she shall be guilty of an offence and liable to a fine of one thousand five hundred dollars.

PART V

Notification and Investigation of Accidents and Industrial Diseases

38. Notification of accidents

(1) Where any accident occurs in a factory which either—

- (a) causes loss of life to a person employed in that factory; or
- (b) disables any such person for more than three days from earning full wages at the work at which he or she was employed,

written notice of the accident, in the prescribed form and accompanied by the prescribed particulars, shall forthwith be sent to the inspector for the district.

(2) Where any accident causing disablement is notified under this section, and after notification thereof results in the death of the person disabled, notice in writing of the death shall be sent to the inspector for the district by the occupier of the factory as soon as the death comes to his or her knowledge.

(3) Where any accident to which this section applies occurs to a person employed and the occupier of the factory is not the actual employer of the person killed or injured, the actual employer shall, if he or she fails to report the accident to the occupier immediately, be guilty of an offence and liable to a fine of two hundred and fifty dollars.

39. Notification of industrial diseases

(1) Every medical practitioner attending on or called in to visit a patient whom he or she believes to be suffering from lead, phosphorus, arsenical, mercurial, benzene or aniline poisoning, or anthrax, or epitheliomatous ulceration of the skin, contracted in any factory, shall forthwith send addressed to "The Inspector of Factories, Department of Labour", a notice stating the name and full postal address of the patient and the disease from which, in the opinion of the medical practitioner, the patient is suffering, and the name and address of the factory in which he or she is or was last employed.

(2) If, in contravention of the provisions of this section, a medical practitioner fails to send a notice in accordance with the requirements thereof, he or she shall be guilty of an offence and liable to a fine of fifty dollars.

(3) Written notice of every suspected case of lead, phosphorus, arsenical, mercurial, benzene or aniline poisoning, or anthrax, or epitheliomatous ulceration of the skin, occurring in a factory shall forthwith be sent by the occupier in the prescribed form and accompanied by the prescribed particulars to the inspector for the district and to the examining surgeon; and the provisions of this Act with respect to the notification of accidents shall apply to any such case in like manner to any such accident as is mentioned in those provisions.

40. Inquest in case of death by accident or industrial disease

(1) Where a coroner holds an inquest on the body of any person whose death may have been caused by any accident or disease of which notice is required by this Act to be given, the coroner shall adjourn the inquest unless an inspector is present to watch the proceedings, and shall, at least four days before holding the adjourned inquest, send to the inspector for the district notice in writing of the time and place of holding the adjourned inquest:

Provided that the coroner before the adjournment, may take evidence to identify the body, and may order the internment thereof.

(2) The coroner shall, at least forty-eight hours before holding an inquest as aforesaid other than an adjourned inquest, send to the inspector for the district notice in writing of the time and place of holding the inquest.

(3) The following persons shall, subject to the power of the coroner to disallow any question which in his or her opinion is not relevant or is otherwise not a proper question, at any such inquest as aforesaid, be entitled to examine any witness either in person or by counsel, solicitor or agent, that is to say, an inspector, any relative of the person in respect of whose death the inquest is being held, the occupier of the factory in which the accident or disease occurred or was contracted, and any person appointed in writing by any trade union, friendly society or other association of persons to which the deceased at the time of his or her death belonged or to which any person employed in the factory belongs, or by any association of employers of which the occupier is a member.

(4) Where evidence is given at any such inquest at which an inspector is not present of any neglect as having caused or contributed to the accident or disease, or of any defect in or about the factory appearing to the coroner to require a remedy, the coroner shall send to the inspector for the district notice in writing of the neglect or defect.

41. Power to direct formal investigation of accidents and cases of disease

(1) The Minister may, where he or she considers it expedient so to do, direct a formal investigation to be held into any accident occurring or case of disease contracted or suspected to have been contracted in a factory and of its causes and circumstances, and with respect to any such investigation the following provisions shall have effect—

- (a) the Minister may appoint a competent person to hold the investigation, and may appoint any person possessing legal or special knowledge to act as assessor in holding the investigation;
- (b) the person or persons so appointed (hereinafter in this section referred to as “the court”) shall hold the investigation in open court in such manner and under such conditions as the court may think most effectual for ascertaining the causes and circumstances of the accident or case of disease, and for enabling the court to make the report in this section mentioned;
- (c) the court shall have for the purposes of the investigation all the powers of a court of summary jurisdiction when acting as a court in hearing informations for offences under this Act, and all the powers of an inspector under this Act,

and, in addition, power—

- (i) to enter and inspect any place or building the entry or inspection whereof appears to the court requisite for the said purposes,
- (ii) by summons signed by the court to require the attendance of all such persons as it thinks fit to call before it and examine for the said purposes, and to require answers or returns to such inquiries as it thinks fit to make,
- (iii) to require the production of all books, papers, and documents which it considers important for the said purposes,

- (iv) to administer an oath and require any person examined to make and sign a declaration of the truth of the statements made by him or her in his or her examination;
- (d) persons attending as witnesses before the court shall be allowed such expenses as would be allowed to witnesses attending before the High Court; and in case of dispute as to the amount to be allowed the dispute shall be referred by the court to a Judge of the High Court who, on request signed by the court, shall ascertain and certify the proper amount of the expenses;
- (e) the court shall make a report to the Minister stating the causes and circumstances of the accident or case of disease, and adding any observations which the court thinks right to make;
- (f) the court may require the expenses incurred in and about an investigation under this section (including the remuneration of any persons appointed to act as assessors) to be paid in whole or part by any person summoned before it who appears to the court to be, by reason of any act or default on his or her part or on the part of any employee or agent of his or her, responsible in any degree for the occurrence of the accident or case of disease, but any such expenses not required to be so paid shall be deemed to be part of the expenses of the Government in the execution of this Act;
- (g) any person who without reasonable excuse (proof whereof shall lie on him or her) either fails, after having had the expenses, if any, to which he or she is entitled tendered to him or her, to comply with any summons or requisition of the court, or prevents or impedes the court in the execution of its duty, shall be guilty of an offence, and liable to a fine of two hundred and fifty dollars and, in the case of a failure to comply with a requisition for making any return or producing any document, if the failure in respect of which a person was so convicted is continued after the conviction, he or she shall (subject to the provision of section 72) be guilty of a further offence and liable to a fine of two hundred fifty dollars for every day on which the failure was so continued.

(2) The Minister may cause the report of the court to be made public at such time and in such manner as he or she thinks fit.

42. Duty of examining surgeon to investigate and report in certain cases

- (1) It shall be the duty of the examining surgeon to investigate and report—
 - (a) upon cases of death or injury caused by exposure in a factory to fumes or other noxious substances, or due to any other special cause specified in instructions of the Minister as requiring investigation;
 - (b) upon any case of death or injury which the inspector for the district in pursuance of any general or special instructions of the Minister may refer to him or her for that purpose; and
 - (c) upon any case of disease of which he or she receives notice under this Act.

(2) The examining surgeon, for the purpose of an investigation under this section, shall have the like powers as an inspector, including power to enter any room in a building to which the person killed, injured, or affected has been removed.

PART VI

Employment of Women and Young Persons and Prohibition of Employment of Children

43. Employment of women and young persons in factories

No woman or young person shall be employed in a factory otherwise than in accordance with subsidiary legislation made by the Minister under section 34 or 35.

44. Prohibition of employment of children in factories

No child shall be employed in any factory, or in the business of a factory outside the factory, or in any business, trade, or process, ancillary to the business of a factory.

PART VII

Special Applications and Extensions

45. Premises where part of building is separate factory

Where part of a building is let off as a separate factory, the provisions of Part II with respect to cleanliness and lighting, and the provisions of Part III with respect to prime movers, transmission machinery, hoists and lifts, steam boilers, and the construction and maintenance of floors, passages and stairs, and subsidiary legislation made in pursuance of the said provisions, shall apply to any part of the building used for the purposes of the factory but not comprised therein, and the owner of the building shall be responsible for any contravention of the said provisions and shall also be responsible, instead of the occupier of the factory, for any contravention as respects the factory of the provisions of Part II with respect to sanitary conveniences and the provisions of Part III with respect to hoists and lifts, steam boilers, means of escape in case of fire, and safety provisions in case of fire, and for the contravention of subsidiary legislation made in pursuance of any of the said provisions, and for the purposes of the last named provisions with respect to means of escape in case of fire and safety provisions in case of fire, the factory shall be deemed to include any part of the building used for the purpose of the factory:

Provided that the owner shall be responsible for the cleanliness of sanitary conveniences only when used in common by several tenants, and shall be responsible for any contravention of the provisions or subsidiary legislation relating to hoists and lifts, steam boilers, means of escape in case of fire, and safety provisions in case of fire, only in so far as the said provisions relate to matters within his or her control.

46. Electrical stations

(1) The provisions of this Act shall apply to any premises in which persons are regularly employed or in connection with the processes or operations of generating, transforming or converting, or of switching, controlling or otherwise regulating, electrical energy for supply by way of trade, or for supply for the purposes of any transport undertaking or other industrial or commercial undertaking or of any public building or public institution, or for supply to streets or other public places, as if the premises were a factory and the employer of any person employed in the premises in or in connection with any such process or operation were the occupier of a factory.

(2) The provisions of this Act shall also apply to any other premises in which any such processes or operations as aforesaid are carried on or performed for such supply as aforesaid, being premises large enough to admit the entrance of a person after the machinery or plant therein is in position, as if the premises were a factory and the employer of any person employed in the premises in or in connection with any such process or operation were the occupier of a factory.

(3) No such premises as aforesaid shall be excluded from the provisions of this section by reason of the processes or operations being carried on, or the machinery or plant being situated, entirely or partially in the open air.

(4) Subsections (1) and (2) shall not, except in so far as the Minister may by Order direct, apply to any premises where the aforesaid processes or operations are only carried

on or performed for the immediate purpose of working an electric motor or working any apparatus which consumes electrical energy for lighting, heating, transmitting or receiving messages or communications, or other purposes.

(5) For the purposes of the definition in section 2 of the expression “factory”, electrical energy shall not be deemed to be an article, but save as aforesaid nothing in this section shall affect the application of this Act to factories within the meaning of that definition.

47. Application of the Act to institutions

(1) Where, in any premises forming part of an institution carried on for charitable or reformatory purposes, any manual labour is exercised in or incidental to the making, altering, repairing, ornamenting, finishing, washing, cleaning, or adapting for sale, of articles not intended for the use of the institution, but the premises do not constitute a factory, then, nevertheless, the provisions of this Act and subsidiary legislation made thereunder shall, subject as hereinafter in this section provided, apply to those premises.

(2) If in any such institution to which this Act applies the persons having the control of the institution (hereinafter referred to as “the managers”) satisfy the Minister that the only persons working therein are persons who are inmates of and supported by the institution, or persons engaged in the supervision of the work or the management of machinery, and that such work as aforesaid is carried on in good faith for the purposes of the support, education, training or reformation of persons engaged in it, the Minister may by Order direct that so long as the Order is in force this Act shall apply to the institution subject to the following modifications—

- (a) the managers may submit for the approval of the Minister a scheme for the regulation of the hours of employment, intervals for meals, and holidays of the inmates, and if the Minister is satisfied that the provisions of the scheme are not less favourable to the inmates than the corresponding provisions of regulations made under this Act, the Minister may approve the scheme, and upon the scheme being so approved this Act shall, until the approval is revoked, apply as if the provisions of the scheme were substituted for the corresponding provisions of the regulations aforesaid;
- (b) the medical officer of the institution, if any, may, on the application of the managers, be appointed to be the examining surgeon for the institution;
- (c) the provisions of Part VIII as to the posting of an abstract and notices shall not apply, but among the particulars required to be shown in the general register there shall be included the prescribed particulars of the scheme, or where no scheme is in force the prescribed particulars as to hours of employment, intervals for meals or rest, and holidays, and other matters dealt with in this Act or in subsidiary legislation made thereunder;
- (d) in the case of premises forming part of an institution carried on for reformatory purposes an inspector shall not, without the consent of the managers or of the person having charge of the institution under the managers, examine an inmate of the institution save in the presence of one of the managers or of such person:

Provided that the Minister, on being satisfied there is reason to believe that a contravention of the provisions of this Act or of subsidiary legislation made thereunder is taking place in any such institution, may suspend the operation of this paragraph as respects that institution to such extent as he or she may consider necessary;

- (e) the managers shall, not later than the 15th January in every year, send to the senior inspector a correct return in the prescribed form, specifying the names of the managers and the name of the person, if any, having charge of the institution under the managers, and such particulars as to the number, age,

sex, and employment of the inmates and other persons employed in the work carried on in the institution as may be prescribed, and shall, if they fail to do so, be guilty of an offence and liable to a fine of one hundred and fifty dollars.

(3) This Act shall not, except in so far as the Minister may by Order direct, apply to any premises which do not constitute a factory if the premises are subject to inspection by or under the authority of a Government department.

48. Docks, wharves, quays and warehouses

(1) The provisions of this Act hereinafter in this subsection mentioned shall apply to every dock, wharf or quay (including any warehouse belonging to the owners, trustees or conservators of the dock, wharf or quay and any line or siding used in connection with and for the purposes of the dock, wharf or quay) and every other warehouse (not forming part of a factory) in or for the purposes of which mechanical power is used, as if it were a factory, and as if the person having actual use or occupation of it or of any premises within it or forming part of it, were the occupier of a factory, that is to say—

- (a) the provisions of Part III with respect to sanitary conveniences;
- (b) the provisions of Part IV with respect to hoists and lifts, steam boilers, and air pressure containers so, however, that the owner of the hoist or lift, boiler, or air pressure container, as the case may be, shall, instead of the person deemed to be the occupier, be responsible for the observance of the said provisions and in the event of a contravention thereof shall be guilty of an offence;
- (c) the provisions of Part IV with respect to prime movers, transmission machinery, other machinery, construction and maintenance of fencing, construction and sale of new machinery, cleaning of machinery in motion, and the power of a court of summary jurisdiction to make orders as to dangerous factories, conditions and practices;
- (d) the provisions of Part V with respect to the power to make subsidiary legislation and the power to take samples;
- (e) Parts VI and VII;
- (f) the provisions of Part VIII with respect to premises where part of a building is a separate factory;
- (g) the provisions of Part X with respect to the abstract of this Act, subsidiary legislation and notices, general registers (so far as applicable), preservation of registers and records, duties of persons employed, prohibition of deductions from wages, and weights, measures and weighing and measuring instruments used in ascertaining wages;
- (h) the provisions of Part XI with respect to powers and duties of inspectors and to subsidiary legislation made by the Minister;
- (i) Part XII;
- (j) the provisions of Part XIII with respect to factories belonging to or in the occupation of the Crown or the Government;
- (k) Part XIV.

(2) Subject as hereinafter in this subsection provided, the provisions of this Act mentioned in paragraph (b) (subject to the modifications mentioned in that paragraph), in paragraph (c) (except the provisions with respect to construction and sale of new machinery), and in paragraphs (d), (e), (g), (h), (i) and (j) of the foregoing subsection shall apply to the processes of loading, unloading or fuelling of any ship in any dock, harbour or canal, and to all machinery or plant used in those processes, as if the processes

were carried on in a factory and the machinery or plant were machinery or plant in a factory, and the person who carries on those processes were the occupier of a factory:

Provided that the provisions of this Act mentioned in the said paragraphs (b) and (c) shall not apply in relation to any such machinery or plant which is on board a ship (other than a ship owned or worked by or on behalf of the Government, or any owner or hirer resident in Grenada, and ordinarily used within the territorial waters of Grenada) and is the property of the ship owner:

Provided also that the provisions mentioned in the said paragraph (c) with respect to construction and sale of new machinery shall not apply in relation to any such machinery which is installed or intended to be installed on board any ship.

For the purposes of this subsection, the expression “plant” includes any gangway or ladder used by any person employed to load or unload or to fuel a ship.

(3) The provisions of Part III with respect to dangerous ways, works or plant, construction and maintenance of floors, passages and stairs, safe means of access and place of employment, means of escape in case of fire, and safety provisions in case of fire shall apply to every warehouse mentioned in subsection (1) as if the warehouse were a factory and as if the person having the actual use or occupation thereof were the occupier of a factory.

49. Construction, repair, breaking up, etc., of ships

(1) Subject as hereinafter in this section provided, the provisions of this Act hereinafter in this section mentioned shall apply to any work carried out in a harbour or wet dock in constructing, reconstructing, repairing, refitting, painting, finishing or breaking up a ship or in scaling, scurfing or cleaning boilers (including combustion chambers and smoke boxes) in a ship, or in cleaning oil-fuel tanks or bilges in a ship, that is to say—

- (a) the provisions of Part III with respect to prime movers, transmission machinery, other machinery, construction and maintenance of fencing, cleaning of machinery in motion, hoists and lifts, steam boilers, and air pressure containers:

Provided that the said provisions with respect to prime movers, transmission machinery, other machinery, construction and maintenance of fencing, hoists and lifts, steam boilers, and air pressure containers, shall not apply in relation to any such machinery or plant which is on board the ship (other than a ship owned or worked by or on behalf of the Government, or any owner or hirer resident in Grenada, and ordinarily used within the territorial waters of Grenada) and is the property of the ship owner and is ordinarily used in the working of the ship;

- (b) the provisions of Part IV with respect to the power to make subsidiary legislation and the power to take samples;
- (c) Parts V and VI;
- (d) the provisions of Part VIII with respect to general registers (so far as applicable), preservation of registers and records, duties of persons employed and the prohibition of deductions from wages;
- (e) the provisions of Part IX with respect to powers and duties of inspectors and to subsidiary legislation made by the Minister;
- (f) Part X;
- (g) the provisions of Part XI with respect to factories belonging to or in the occupation of the Crown or the Government;
- (h) Part XI,

and for the purpose of such provisions the ship shall be deemed to be a factory, and any person undertaking such work shall be deemed to be the occupier of a factory.

(2) Nothing in this Act shall apply to any such work as aforesaid done by the master or crew of a ship or done on board a ship during a trial run.

50. Building operations and works of engineering construction

(1) Subject as hereinafter in this section provided, the provisions of this Act hereinafter in this subsection mentioned shall apply to building operations and works of engineering construction undertaken by way of trade or business, or for the purpose of any industrial or commercial undertaking, and to any line or siding which is used in connection therewith and for the purposes thereof, that is to say—

- (a) the provisions of Part II with respect to sanitary conveniences;
- (b) the provisions of Part III with respect to prime movers, transmission machinery, other machinery, construction and maintenance of fencing, construction and sale of new machinery, cleaning of machinery in motion, steam boilers, air pressure containers and the power of a court of summary jurisdiction to make orders as to dangerous conditions and practices;
- (c) the provisions of Part IV with respect to the power to make subsidiary legislation and the power to take samples;
- (d) Parts V and VI;
- (e) the provisions of Part VIII with respect to the abstract of this Act, subsidiary legislation, general registers (so far as applicable), preservation of registers and records, duties of persons employed, and the prohibition of deductions from wages;
- (f) the provisions of Part IX with respect to powers and duties of inspectors and local health authorities and to subsidiary legislation made by the Minister:

Provided that no order made under the provisions of this Act with respect to the powers of a court of summary jurisdiction to make orders as to dangerous conditions and practices, and no subsidiary legislation made under Part IV, shall operate so as to interfere with the design of any works of engineering construction with the adoption in the execution of those works of any method prescribed in the specification or in any signed plans issued, or written directions given, by the consulting engineer or the engineer in charge being a method which is not inconsistent with the safety of the works or of the persons employed;

- (g) Parts XI and XI.

(2) The provisions of this Act in their application to building operations and works of engineering construction shall have effect as if any place where such operations or works are carried on were a factory and any person undertaking any such operations or works to which this Act applies were the occupier of a factory:

Provided that such of the provisions of this Act as require general registers to be kept and copies of the prescribed abstract of this Act and of subsidiary legislation or the prescribed abstract of subsidiary legislation to be kept posted up on the premises, shall be deemed to be complied with as respects building operations and works of engineering construction if the general register is kept at an office of the person undertaking the said operations or works, and copies of the abstract of this Act and of the subsidiary legislation or abstract thereof are kept posted up at each office, yard, or shop, or the person undertaking the operations or works at which persons employed by him or her on the operations or works attend, and in a position where they can easily be read by such persons.

(3) Any person undertaking any building operations or works of engineering construction to which this Act applies shall, not later than seven days after the beginning thereof, serve on the inspector for the district a written notice stating the name and postal address of the person so undertaking the operations or works, the place and nature of the operations or works, whether any mechanical power is used and, if so, its nature, the name of the local health authority within whose district the operations or works are situated and such other particulars as may be prescribed:

Provided that—

- (a) this subsection shall not apply to any operations or works which the person undertaking them has reasonable grounds for believing will be completed in a period of less than six weeks, except in such cases as the senior inspector may direct; and
- (b) where a person undertakes any building operations or works of engineering construction in a place where such operations or works are in progress, he or she shall not be required to give such a notice as aforesaid if a notice was given in respect of the operations or works in progress.

51. List of outworkers to be kept in certain trades

(1) In the case of persons employed in such classes of work as may, from time to time, be specified by Order of the Minister, the occupier of every factory and every contractor employed by any such occupier in the business of the factory shall—

- (a) keep in the prescribed form and manner, and with the prescribed particulars, lists showing the names and addresses of all persons (hereinafter referred to as out workers) directly employed by him or her, either as workers or as contractors, in the business of the factory, outside the factory, and of the places where they are employed;
- (b) send to an inspector such copies of or extracts from those lists as the inspector may, from time to time, require; and
- (c) send to the Sanitary Authority during the month of February and the month of August in each year copies of those lists, showing all outworkers so employed by him or her during the preceding six months.

(2) The lists kept by the occupier or contractor shall be open to inspection by any inspector, and by any officer duly authorised by the Sanitary Authority, and the copies sent to the Authority shall be open to inspection by any inspector or officer of any Ministry or Government Department.

(3) This section shall apply to any place from which any work is given out in connection with the business of a factory (whether the materials for the work are supplied by the occupier or not), and to the occupier of that place, and to every contractor employed by the occupier in connection with the said work, as if that place were a factory.

(4) In the event of a contravention of this section by the occupier of a factory or place or by a contractor the occupier or contractor shall be guilty of an offence and liable to a fine of two hundred and fifty dollars.

52. Employment of persons in premises injurious or dangerous to health

(1) Where work in respect of which the last preceding section applies is carried on for the purpose of or in connection with the business of a factory in any place which is, in the opinion of the Sanitary Authority, injurious or dangerous to the health of the persons employed therein, the Sanitary Authority may give notice in writing to the occupier of the factory, or to any contractor employed by him or her, setting forth particulars of the respects in which the place is, in their opinion, so injurious or dangerous, and the reasons

for that opinion and, if the occupier or contractor after the expiration of ten days from the receipt of such notice gives out work to be done in that place, he or she shall, unless it is proved to the satisfaction of the court dealing with the case that the place is not injurious or dangerous in the respects set forth in the notice, be guilty of an offence.

(2) For the purpose of this section, any place from which work is given out shall be deemed to be a factory.

PART VIII

Miscellaneous

53. Notice of occupation of factory, and use of mechanical power

(1) Every person shall, within one month after he or she begins to occupy or to use any premises as a factory, serve on the inspector and the Sanitary Authority a written notice stating the name of the occupier or the title of the firm, the postal address of the factory, the nature of the work, whether mechanical power is used and, if so, its nature, and such other particulars as may be prescribed, and if he or she fails to do so he or she shall be guilty of an offence and liable to a fine of five hundred dollars or twenty-five dollars for each day since the expiration of the month aforesaid, whichever is the greater.

(2) Within one month of the date upon which mechanical power is first used in any factory, the occupier shall serve on the inspector and the Sanitary Authority for the district a written notice stating the nature of such mechanical power.

54. Posting of abstract of Act, subsidiary legislation and notices

(1) There shall be kept posted at the principal entrances of a factory at which employed persons enter—

- (a) the prescribed abstract of this Act;
- (b) a notice of the address of the inspector for the district and the senior inspector;
- (c) a notice of the name and address of the examining surgeon for the factory;
- (d) a notice specifying the clock, if any, by which the period of employment and intervals for meals and rest in the factory are regulated;
- (e) printed copies of all subsidiary legislation made under this Act and for the time being in force in the factory or the prescribed abstract of such subsidiary legislation; and
- (f) every notice and document required by this Act to be posted in the factory:

Provided that an inspector may direct that all or any of the aforesaid documents shall be posted in such parts of the factory, either in addition to or in substitution for the said principal entrances, as he or she may direct.

(2) All such documents shall be posted in such characters and in such positions as to be conveniently read by persons employed in the factory and if a form has been prescribed for any document, it shall be posted in that form.

(3) A printed copy of all such subsidiary legislation as aforesaid shall be given by the occupier to any person affected thereby on his or her application.

(4) If any person pulls down, injures or defaces any abstract, notice, regulations or other document posted in pursuance of this Act, he or she shall be guilty of an offence and liable to a fine of one hundred and fifty dollars.

55. General registers

(1) There shall be kept in every factory, or in such place outside the factory as may be approved by the inspector for the district, a register, in the prescribed form, called the general register, and there shall be entered in or attached to that register—

- (a) the prescribed particulars as to the young persons employed in the factory;
- (b) the prescribed particulars as to the washing, whitewashing or colour-washing, painting or varnishing, of the factory;
- (c) the prescribed particulars as to every accident and case of industrial disease occurring in the factory of which notice is required to be sent to an inspector;
- (d) all reports and particulars required by any other provision of this Act or subsidiary legislation made thereunder to be entered in or attached to the general register; and
- (e) such other matters with respect to the provisions of this Act or subsidiary legislation made thereunder as may be prescribed.

(2) There shall be attached to the general register a copy of the certificate of the fire authority relating to means of escape in the case of fire.

(3) The occupier of a factory shall send to an inspector such extracts from the general register as the inspector may from time to time require for the purpose of the execution of his or her duties under this Act.

56. Preservation of registers and records

The general register and every other register or record kept in pursuance of this Act shall be preserved and kept available for inspection by any inspector or by the examining surgeon for at least two years, or such other period as may be prescribed for any class or description of register or record, after the date of the last entry in the register or record.

57. Periodical return of persons employed

(1) The occupier of every factory shall, at intervals of not less than six months on or before such days as the Minister may direct, send to the senior inspector a correct return specifying, with respect to such day or days, or such period as the Minister may direct, the number of persons employed in the factory, and giving such particulars as may be prescribed, as to the hours of employment of women and young persons employed, as to the age, sex, and occupation of all persons employed, and as to such other matters, if any, as the Minister may direct.

(2) The occupier of any place to which any provisions of this Act apply shall, if so required by the Minister, make a like return to the senior inspector.

(3) The Minister may, for the purpose of facilitating the rendering of the returns under this section by occupiers, arrange for the consolidation of those returns with any other returns which any Ministry or Government Department is empowered to call for from occupiers.

58. Duties of persons employed

(1) No person employed in a factory or in any other place to which any provisions of this Act apply shall wilfully interfere with or misuse any means, appliance, convenience or other thing provided in pursuance of this Act for securing the health, safety or welfare of the persons employed in the factory or place, and where any means or appliance for securing health or safety is provided for the use of any such person under this Act he or she shall use the means or appliance.

(2) No person employed in a factory or in any other place to which any provisions of this Act apply shall wilfully and without reasonable cause do anything likely to endanger himself or herself or others.

(3) If any person employed in a factory or in any other place to which any provisions of this Act apply wilfully and without reasonable cause neglects his or her duty to the extent of endangering himself or herself or others, he or she shall be guilty of an offence.

59. Prohibition of deduction from wages

Save as otherwise expressly provided under this Act, the occupier of a factory shall not, in respect of anything to be done or provided by him or her in pursuance of this Act, make any deduction from the sum contracted to be paid by him or her to any person employed, or receive, or allow any person in his or her employment to receive, any payment from any such person.

60. Weights, measures and weighing or measuring instruments used in ascertaining wages

(1) The Acts and subsidiary legislation for the time being in force relating to weights and measures or weighing or measuring instruments shall extend to weights, measures, and weighing or measuring instruments used in a factory for the purpose of checking or ascertaining the wages of any person employed therein, in like manner as if they were used for trade.

(2) Every inspector or other person authorised under the Acts and subsidiary legislation relating to weights and measures or weighing or measuring instruments to inspect or examine weights and measures shall inspect, stamp, mark, search for, and examine the weights and measures and weighing and measuring instruments to which those Acts and subsidiary legislation are extended by or under this section, and for that purpose shall have the same powers and duties as he or she has with respect to weights, measures and instruments used for trade.

61. Penalty for disclosure of trade secrets

If any person who, in pursuance of powers conferred by this Act or any regulations or orders made thereunder, enters or is admitted into any factory or place discloses, without the permission of the occupier, to any person any information obtained by him or her in a factory or place with regard to any manufacturing process or trade secret, he or she shall, unless such disclosure was made in the performance of his or her duty, be guilty of an offence and liable to a fine not exceeding three thousand dollars and to imprisonment for three months.

PART IX

Administration

62. Appointment and duties of inspectors, clerks and other employees

(1) The Minister may appoint such inspectors, clerks and other employees as he or she thinks necessary for the execution of this Act, and may assign to them their duties, and may appoint a senior inspector with an office in St. George's, and may regulate the cases and manner in which the inspectors, or any of them, are to execute and perform the powers and duties of inspectors under this Act. The persons appointed under this section shall be under the direction and control of the head of such Government Department or otherwise as the Minister may direct.

(2) Notice of the appointment of every inspector shall be published in the *Gazette*.

(3) A person who is the occupier of a factory, or is directly or indirectly interested therein or in any process or business carried on therein, or in a patent connected therewith, or is employed in or about a factory, shall not act as an inspector.

(4) An inspector shall not be liable to serve on any jury.

(5) Such annual report of the proceedings of the inspectors as the Minister may direct shall be laid before the House of Representatives.

63. Powers of inspectors

(1) An inspector shall, for the purpose of the execution of this Act, have power to do all or any of the following things, that is to say—

- (a) to enter, inspect, and examine at all reasonable times, by day and night, a factory, and every part thereof, when he or she has reasonable cause to believe that any person is employed therein, and to enter by day any place which he or she has reasonable cause to believe to be a factory and any part of any building of which a factory forms part and in which he or she has reasonable cause to believe that explosive or highly inflammable materials are stored or used;
- (b) to enter any building or place in which he or she has reasonable cause to believe that a steam boiler, or a hoist or lift, or an air pressure container is worked or used, whether such building or place is one to which this Act applies or not;
- (c) to take with him or her a police officer if he or she has reasonable cause to apprehend any serious obstruction in the execution of his or her duty;
- (d) to require the production of the registers, certificates, notices, and documents kept in pursuance of this Act and the subsidiary legislation made thereunder, and to inspect, examine, and copy any of them;
- (e) to make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act and the subsidiary legislation made thereunder and the Acts and subsidiary legislation for the time being in force relating to public health are complied with, so far as respects a factory and any persons employed in a factory and any young persons to whom any subsidiary legislation under this Act applies;
- (f) to require any person whom he or she finds in a factory to give such information as it is in his or her power to give as to who is the occupier of the factory;
- (g) to examine, either alone or in the presence of any other person, as he or she thinks fit, with respect to matters under this Act, every person whom he or she finds in a factory, or whom he or she has reasonable cause to believe to be or to have been within the preceding two months employed in a factory or in any employment mentioned in any of the subsidiary legislation under this Act, and to require every such person to be so examined and to sign a declaration of the truth of the matters respecting which he or she is so examined; so, however, that no one shall be required under this provision to answer any question or to give any evidence tending to incriminate himself or herself;
- (h) to exercise such other powers as may be necessary for carrying this Act into effect.

(2) The occupier of every factory, his or her agents and employees, shall furnish the means required by an inspector as necessary for an entry, inspection, examination, inquiry, the taking of samples, or otherwise for the exercise of his or her powers under this Act in relation to that factory.

(3) If any person wilfully delays an inspector in the exercise of any power under this section, or fails to comply with the requisition of an inspector in pursuance of this section, or to produce any register, certificate, notice or document which he or she is required by

or in pursuance of this Act to produce, or wilfully withholds any information as to who is the occupier of any factory, or conceals or prevents, or attempts to conceal or prevent, a person from appearing before or being examined by an inspector, that person shall be deemed to obstruct an inspector in the execution of his or her duties under this Act.

(4) Where an inspector is obstructed in the execution of his or her powers or duties under this Act the person obstructing him or her shall be guilty of an offence and liable to a fine of two hundred and fifty dollars; and where an inspector is so obstructed in a factory, the occupier of that factory shall be guilty of an offence.

(5) Any certificate issued by the senior inspector or an inspector for a district may be issued for a limited period or without limit of period and may be varied or revoked by that inspector or his or her successor in office.

64. Powers of inspectors to conduct proceedings before magistrates

An inspector, if authorised by the Minister, may, although he or she is not of counsel, or a solicitor, prosecute, conduct, or defend before a court of summary jurisdiction any information, complaint, or other proceeding arising under this Act or in the discharge of his or her duty as inspector.

65. Certificate of appointment of inspectors

Every inspector shall be furnished with the prescribed certificate of his or her appointment, and when visiting a factory or place to which any of the provisions of this Act or subsidiary legislation made thereunder apply shall, if so required, produce the said certificate to the occupier or other person holding a responsible position in the management of the factory.

66. Appointment and duties of examining surgeons

(1) The Minister may appoint a sufficient number of duly qualified medical practitioners to be examining surgeons for any of the purposes of this Act, and may revoke any such appointment.

(2) A medical practitioner who is the occupier of a factory, or is directly or indirectly interested therein, or in any process or business carried on therein, or in a patent connected therewith, shall not act as examining surgeon for that factory:

Provided that the Minister may authorise a medical practitioner who is employed by the occupier of the factory in connection with the medical supervision of persons employed in the factory, but is not otherwise interested in the factory, to act as examining surgeon for that factory for the purpose of examining and certifying the fitness of young persons.

(3) The examining surgeon for any factory shall have power at all reasonable times to inspect the general register of that factory.

(4) The Minister may make rules regulating the duties of examining surgeons.

(5) An examining surgeon shall, if so directed by the Minister, make such special inquiry and examination of employed persons as may be directed.

(6) Every examining surgeon shall in each year make at the prescribed time a report in the prescribed form to the head of Department or other person appointed under section 62 to be in direction and control of the inspectorate, and to any such other officer as the Minister may direct, as to examinations made and other duties performed by him or her in pursuance of this Act.

67. Fees of examining surgeons

The fees to be paid to examining surgeons for carrying out their duties under this Act shall, so far as they relate to any examination or certificate with respect to the fitness of a

young person for employment in a factory, or to any examination or medical supervision of persons employed in a factory carried out in pursuance of subsidiary legislation under this Act be paid by the occupier of that factory, and in any other case shall be defrayed as an expense of carrying this Act into effect, and the fees shall, subject to any agreement between the examining surgeon and the occupier of a factory as respects the fees payable by the occupier, be of such amount as may be determined by the Minister.

68. Provisions as to Sanitary Authority

(1) Any officer of the Sanitary Authority appointed for the purpose of inspection of factories shall give a written notice to the inspector for the district of any factory coming to his or her knowledge in which no abstract of this Act is affixed in accordance with this Act.

(2) For the purpose of their duties under this Act, the Sanitary Authority and their officers shall, without prejudice to their other powers, have all such powers of entry, inspection, taking legal proceedings, or otherwise, as an inspector has; and accordingly in relation to their said duties the provisions of this Act as to furnishing means required by an inspector, and delaying or obstructing an inspector, shall be construed as including references to such officers; but no such powers of entry or inspection shall be exercised except by officers of the Sanitary Authority authorised by them in writing in that behalf, either generally or specially, and any such officer shall if so required produce his or her authority to the occupier or other person holding a responsible position of management at the factory.

69. Provisions as to regulations, and as to subsidiary legislation generally, by the Minister

(1) The provisions contained in the Second Schedule shall apply to all regulations made by the Minister under this Act.

(2) Any subsidiary legislation made by the Minister under this Act may be made for a limited period or without limit of period and may be made subject to such conditions as he or she thinks fit, and may contain such supplemental and consequential provisions as he or she considers necessary for giving full effect to the subsidiary legislation.

PART X

Supplementary

Offences, Penalties and Legal Proceedings

70. Offences

(1) In the event of a contravention in or in connection with or in relation to a factory of any of the provisions of this Act or subsidiary legislation made thereunder, the occupier or (if the contravention is one in respect of which the owner is by or under this Act made responsible) the owner of the factory shall, subject as hereinafter in this Act provided, be guilty of an offence.

(2) In the event of a contravention by an employed person of the provisions of Part VII with respect to duties of persons employed or contravention by any person of any subsidiary legislation made under this Act which expressly imposes any duty upon him or her, that person shall be guilty of an offence and the occupier or owner, as the case may be, shall not be guilty of an offence in respect of that contravention unless it is proved that he or she failed to take all reasonable steps to prevent the contravention.

(3) If any persons are employed in a factory otherwise than in accordance with the provisions of this Act or of subsidiary legislation made thereunder, there shall be deemed to be a separate contravention in respect of each person so employed.

(4) Where an offence under this Act committed by a company is proved to have been committed with the consent or connivance of, or to have been facilitated by any neglect on the part of, any director, manager, secretary, or other officer of the company, he or she, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

71. Fines for offences for which no express penalty provided

Subject as hereinafter in this Act provided, any person guilty of an offence under this Act for which no express penalty is provided by this Act shall be liable to a fine of seven hundred and fifty dollars, and if the contravention in respect of which he or she was convicted is continued after the conviction he or she shall (subject to the provisions of section 72) be guilty of a further offence and liable to a fine of one hundred and fifty dollars for each day on which the contravention was so continued.

72. Power of court to order cause of contravention to be remedied

Where the occupier or owner of a factory is convicted of an offence under this Act the court may, in addition to or instead of inflicting a fine, order him or her, within the times specified in the order, to take such steps as may be so specified for remedying the matters in respect of which the contravention occurred, and may, on application, enlarge the time so specified, and where such an order is made, the occupier or owner shall not be liable under this Act in respect of the continuation of the contravention during the time allowed by the court, but if, after the expiration of that time as originally specified or enlarged by subsequent order, the order is not complied with, the occupier or owner, as the case may be, shall be liable to a fine of one hundred and fifty dollars for each day on which the non-compliance continues.

73. Fines in case of death or injury

If any person is killed, or dies, or suffers any bodily injury, in consequence of the occupier or owner of a factory having contravened any provision of this Act or subsidiary legislation made thereunder, the occupier or owner of the factory shall, without prejudice to any other penalty, be liable to a fine of three thousand dollars; and the whole or any part of the fine may be applied for the benefit of the injured person or his or her family or otherwise as the Minister determines:

Provided that—

- (a) in the case of injury to health, the occupier or owner shall not be liable to a fine under this section unless the injury was caused directly by the contravention; and
- (b) the occupier or owner shall not be liable to a fine under this section if an information against him or her under this Act in respect of the act or default by which the death or injury was caused has been heard and dismissed before the death or injury occurred.

74. Fines for offences by parent

If a child is employed in contravention of the provisions of Part VI or a young person is employed in any factory or place in contravention of the provisions of this Act or subsidiary legislation made thereunder, the parent of the child or young person, as the case may be, shall be guilty of an offence and liable to a fine of one hundred and fifty dollars, unless it appears to the court that the contravention occurred without the consent, connivance, or wilful default of the parent.

75. Forgery of certificates, false entries and false declarations

If any person—

- (a) forges or counterfeits any certificate required by, under, or for the purposes of, this Act or subsidiary legislation made thereunder;
- (b) gives or signs any such certificate knowing it to be false in any material particular;
- (c) knowingly utters or makes use of any such certificate so forged, counterfeited, or false as aforesaid;
- (d) knowingly utters or makes use of as applying to any person any such certificate which does not so apply;
- (e) personates any person named in any such certificate;
- (f) falsely pretends to be an inspector;
- (g) wilfully connives at any such forging, counterfeiting, giving, signing, uttering, making use of, personating or pretending as aforesaid;
- (h) wilfully makes a false entry in any register, notice, certificate, or document required by, under, or for the purposes of, this Act or subsidiary legislation made thereunder to be kept or served or sent;
- (i) wilfully makes or signs a false declaration required by, under, or for the purposes of, this Act or subsidiary legislation made thereunder;
- (j) knowingly makes use of any such false entry or declaration as aforesaid,

he or she shall, without prejudice to any other penalty, be guilty of an offence under this Act, and be liable to a fine of three thousand dollars and to imprisonment for three months.

76. Penalty on persons actually committing offence for which occupier is liable

Where an act or default for which an occupier or owner is liable under this Act is in fact the act or default of some agent, employee, worker or other person, that agent, employee, worker or other person shall be guilty of an offence and liable to the like fine as if he or she were the occupier or owner, as the case may be.

77. Power of occupier or owner to exempt himself or herself from liability on conviction of the actual offender

(1) Where the occupier or owner of a factory is charged with an offence under this Act he or she shall be entitled, upon information duly laid by him or her and on giving to the prosecution not less than three days notice in writing of his or her intention, to have any other person whom he or she charges as the actual offender brought before the court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the occupier or owner of the factory proves to the satisfaction of the court—

- (a) that he or she has used all due diligence to enforce the execution of this Act and of any relevant subsidiary legislation made thereunder; and
- (b) that the said other person had committed the offence in question without his or her consent, connivance or wilful default,

that other person shall be summarily convicted of the offence, and the occupier or owner shall not be guilty of the offence, and the person so convicted shall, in the discretion of the court, be also liable to pay any costs incidental to the proceedings.

The prosecution shall have the right in any such case to cross-examine the occupier or owner if he or she gives evidence and any witness called by him or her in support of his or her charge, and to call rebutting evidence.

(2) When it is made to appear to the satisfaction of an inspector at the time of discovering an offence—

- (a) that the occupier or owner (as the case may be) of the factory has used all due diligence to enforce the execution of this Act;
- (b) by what person the offence has been committed; and
- (c) that it has been committed without the consent, connivance or wilful default of the occupier or owner and in contravention of his or her orders,

the inspector shall proceed against the person whom he or she believes to be the actual offender without first proceeding against the occupier or owner of the factory.

78. Proceedings against persons other than occupiers or owners

Where, under this Act, any person is substituted for the occupier or owner with respect to any provisions of this Act or subsidiary legislation made thereunder, any order, summons, notice, or proceeding, which for the purpose of any of those provisions is by or under this Act required or authorised to be served on or taken in relation to the occupier or owner, is hereby required or authorised (as the case may be) to be served on or taken in relation to that person.

79. Owner of machine liable in certain cases instead of occupier

Where in a factory the owner or hirer of a machine or implement moved by mechanical power is some person other than the occupier of the factory, the owner or hirer shall, so far as respects any offence under this Act committed in relation to a person who is employed in or about or in connection with that machine or implement, and is in the employment or pay of the owner or hirer, be deemed to be the occupier of the factory.

80. Prosecution of offences and recovery and application of fines

(1) All offences under this Act shall be prosecuted, and all fines under this Act shall be recovered, summarily.

(2) In any proceedings under this Act it shall be sufficient in the information 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, 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 a coroner's inquest is held, and it appears from the report, or from the proceedings at the inquest that any of the provisions of this Act or subsidiary legislation 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 such non-compliance may be commenced at any time within six months after the making of the report or the conclusion of the inquest.

(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 subsidiary legislation 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) All fines imposed under this Act shall, save as otherwise expressly provided for by this Act, be paid into the Treasury for the credit of the Consolidated Fund.

(7) Where a proceeding is taken before a court of summary jurisdiction with respect to an offence under this Act alleged to be committed in or with reference to a factory, no magistrate shall be qualified to hear and determine the case who is the husband, parent, guardian, son or brother of the occupier or owner of the factory, or has an interest in the factory.

81. Appeal from orders made on complaint

Any person aggrieved by an order made by a court of summary jurisdiction on determining a complaint under this Act may appeal therefrom to the High Court.

82. Special provisions as to evidence

(1) If a person is found in a factory at any time at which work is going on or the machinery is in motion, except during the intervals for meals or rest, he or she shall, until the contrary is proved, be deemed for the purposes of this Act to have been then employed in the factory:

Provided that this subsection shall not apply to a factory in which the only persons employed are members of the same family dwelling there.

(2) Where in any proceedings under this Act with respect to a young person it appears to the court that that young person is apparently of or below the age alleged by the informant, it shall lie on the defendant to prove that the young person is not of or below that age.

(3) Where any entry is required by this Act or by subsidiary legislation made thereunder to be made in the general register or in any other register or record, the entry made by the occupier of a factory or on his or her behalf shall, as against him or her, be admissible as evidence of the facts therein stated, and the fact that any entry so required with respect to the observance of any provision of this Act or of subsidiary legislation made thereunder has not been made, shall be admissible as evidence that that provision has not been observed.

83. Service and sending of documents, etc.

(1) Any document (including any summons or order) required or authorised to be served under this Act may be served—

- (a) on any person by delivering it to him or her, or by leaving it at, or sending it by registered post to, his or her residence;
- (b) on any firm by delivering it to any partner of the firm, or leaving it at, or sending it by registered post to, the office of the firm;
- (c) on the owner or occupier of a factory (including any such owner or occupier being a company to which the Companies Act applies), in any such manner as aforesaid, or by delivering it, or a true copy thereof, to any person in a position of responsibility at the factory.

(2) Any such document may be addressed for the purpose of the service thereof on the occupier of a factory, to the “occupier” at the proper postal address of the factory, without further name or description.

(3) The foregoing provisions of this section shall apply with the necessary modifications to documents required or authorised under this Act to be sent to any person, firm, owner or occupier, and to the sending, addressing, and delivery of such documents.

84. Certificate of birth

(1) Where the age of any person is required to be ascertained or proved for the purposes of this Act, any person shall on payment of the sum of fifty cents be entitled to obtain a certified copy of the entry thereof under the hand and seal of the Registrar-General.

(2) Notwithstanding anything in the Registration of Births and Deaths Act, Chapter 280, contained such certified copy shall in any civil or criminal case be *prima facie* evidence of the facts therein stated.

85. Power of court to modify agreements

If by reason of an agreement between the owner and the occupier of premises, the whole or any part of which has been let as a factory, the said owner or occupier is prevented from carrying out any structural or other alterations in the premises which are necessary to enable him or her to comply with the provisions of this Act or subsidiary legislation made thereunder or in order to conform with any standard or requirement imposed by or under this Act, he or she may apply to a court of summary jurisdiction, and the court, after hearing the parties and any witnesses whom they desire to call, may make such an order setting aside or modifying the terms of the agreement as the court considers just and equitable in the circumstances of the case.

86. Power of court to apportion expenses

Where in any premises the whole or any part of which has been let as a factory any structural or other alterations are required in order to comply with the provisions of this Act or any subsidiary legislation made thereunder, or in order to conform with any standard or requirement imposed by or under this Act, and the owner or occupier as the case may be alleges that the whole or part of the expenses of the alterations ought to be borne by the owner or occupier, the owner or occupier may apply to a court of summary jurisdiction, and the court, after hearing the parties and any witnesses whom they desire to call, may make such an order concerning the expenses or their apportionment as the court considers just and equitable in the circumstances of the case, regard being had to the terms of any contract between the parties, or in the alternative the court may at the request of the owner or occupier determine the lease.

PART XI

Application of the Act

87. General application of the Act

Save as in this Act otherwise expressly provided the provisions of this Act shall apply only to factories as defined by this Act but shall, except where the contrary intention appears, apply to all such factories.

88. Application to factories belonging to or occupied by the Crown or Government

(1) This Act applies to factories belonging to or in the occupation of the Crown or the Government and to building operations and works of engineering construction undertaken by or on behalf of the Crown or the Government; but in case of any public emergency the Minister may by Order, to the extent and during the period named in the Order, exempt from this Act any factory belonging to the Crown or the Government or any building operations or works of engineering construction undertaken by or on behalf of the Crown or the Government, or any factory in respect of work which is being done on behalf of the Crown or the Government.

(2) The powers conferred by this Act on the Sanitary Authority shall, in the case of a factory belonging to or in the occupation of the Crown or the Government, or building operations or works of engineering construction undertaken by or on behalf of the Crown

or the Government, be exercised by an inspector under this Act; and any notice required by this Act to be sent to the Sanitary Authority shall in any such case be sent to the inspector for the district.

89. Inspection of certain premises

Where in any premises which are subject to inspection by or under the authority of any Ministry or Government Department any manual labour is exercised, otherwise than for the purposes of instruction, in or incidental to the making, altering, repairing, ornamenting, finishing, washing, cleaning, or adapting for sale, of any article, and the premises do not constitute a factory, the Minister may, if he or she thinks fit, instruct the Ministry or Department that the premises shall, as respects the matters dealt with by this Act, be inspected by an inspector appointed under this Act, and where such an instruction is given, such inspector shall have, as respects such matters as aforesaid, the like right of entry and inspection as is conferred on inspectors of other officers of the Ministry or Department concerned.

Schedule

FACTORIES ACT

Procedure for making Regulations

[Section 69.]

1. Before the Minister makes any regulations, he or she shall publish in the *Gazette* and in such other manner as he or she 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 the Minister.

2. Every objection must be in writing and state—

- (a) the specific grounds of objections; 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 or her to be affected which is sent to him or her within the required time, and he or she may, if he or she thinks fit, amend the draft regulations, and, after doing so, he or she 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 hereinafter defined 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 or the Minister withdraws the draft regulations, he or she shall, before making the regulations, direct an inquiry to be held in the manner hereinafter provided. The Minister may, if he or she thinks fit, also direct such an inquiry to be held in regard to any objections, 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 or her thereon;
- (b) the inquiry shall be held in public, and the senior 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 cost of the inquiry and other proceedings, including the remuneration of the person or persons holding the inquiry.

6. For the purposes of 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 she, or an association on behalf of which he or she 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 she, or an association on behalf of which he or she acts, represents a majority of the persons employed in any such or description of factories as aforesaid.

CHAPTER 100 FACTORIES ACT

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

1. Factories (Lifting Tackle) Regulations
 2. Factories (Sanitary Accommodation) Regulations
 3. Factories (Welfare) Regulations
 4. Factories (Electricity) Regulations
 5. Factories (Woodworking Machinery) Regulations
 6. Factories (Prescription Forms) Order
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Factories (Lifting Tackle) Regulations

SRO 31 of 1967

ARRANGEMENT OF REGULATIONS

1. Citation.
2. Definition.
3. Lifting tackle.

FACTORIES (LIFTING TACKLE) REGULATIONS

[Section 34. SRO 31 of 1967.]

[22nd July, 1967.]

1. Citation

These Regulations may be cited as the Factories (Lifting Tackle) Regulations.

2. Definition

In these Regulations, unless the context otherwise requires, "lifting tackle" means chain slings, rope slings, rings, hooks, shackles, and swivels.

3. Lifting tackle

The following provisions shall be complied with as respects every lifting tackle used for the purpose of raising or lowering persons, goods or materials—

- (a) no lifting tackle shall be used unless it is of good construction, sound material, adequate strength and free from patent defect;
- (b) a table showing the safe working loads of every kind and size of lifting tackle in use and, in the case of a multiple sling, the safe working load at different angles of the legs, shall be posted in the store in which the lifting tackle are kept, and in prominent positions on the premises; and no lifting tackle not shown in the table shall be used, so, however, that the foregoing provisions of this paragraph shall not apply in relation to any lifting tackle if the said working load thereof or, in the case of a multiple sling, the safe working load at different angles of the legs is plainly marked upon it;
- (c) no lifting tackle shall be used for any load exceeding the safe working load thereof as shown by the table aforesaid or marked upon it as aforesaid;
- (d) all lifting tackle in use shall be thoroughly examined by a competent person at least once in every period of six months or at such greater intervals as the Minister may prescribe;
- (e) no lifting tackle, except a fibre rope or fibre rope sling, shall be taken into use in any factory for the first time in that factory unless it has been tested and thoroughly examined by a competent person and a certificate of such a test and examination specifying the safe working load and signed by the person making the test and examination has been obtained and is kept available for inspection;
- (f) every lifting tackle, except a rope sling shall, unless of a class or description exempted by certificate of the chief inspector upon the ground that it is made of such material or so constructed that it cannot be subjected to heat treatment without risk of damage or that it has been subjected to some form of heat treatment (other than annealing) approved by him or her, be annealed at least once in every fourteen months, or, in the case of chains or slings of half inch bar or smaller or chains used in connection with molten metal or

molten slag, in every six months; so, however, that lifting tackle not in regular use need be annealed only when necessary;

- (g) a register containing the prescribed particulars shall be kept with respect to all such lifting tackle, except fibre rope slings.

Factories (Sanitary Accommodation) Regulations

SRO 32 of 1967

ARRANGEMENT OF REGULATIONS

1. Citation.
2. Application.
3. Sanitary conveniences.

FACTORIES (SANITARY ACCOMMODATION) REGULATIONS

[Section 34. SRO 32 of 1967.]

[22nd July, 1967.]

1. Citation

These Regulations may be cited as the Factories (Sanitary Accommodation) Regulations.

2. Application

These Regulations shall apply to all factories as defined in section 2 of the Act; and to electrical stations to which section 45(1) and (2) of the Act apply.

3. Sanitary conveniences

- (1) In the case of factories where females are employed, there shall be at least—

- 1 sanitary convenience for 1 to 12 persons;
- 2 sanitary conveniences for 13 to 25 persons;
- 3 sanitary conveniences for 26 to 40 persons;
- 4 sanitary conveniences for 41 to 57 persons;
- 5 sanitary conveniences for 58 to 77 persons;
- 6 sanitary conveniences for 78 to 100 persons.

From 101 to 200 persons, additional sanitary conveniences shall be added at the rate of 5 per cent.

For over 200 persons, sanitary conveniences shall be added at the rate of 4 per cent.

- (2) In cases where males are employed, there shall be sanitary conveniences (not being a convenience suitable merely as a urinal), at the following rate—

- 1 for 1 to 15 persons;
- 2 for 16 to 35 persons;

3 for 36 to 65 persons;

4 for 66 to 100 persons.

From 101 to 200 persons, sanitary conveniences shall be added at the rate of 3 per cent. For over 200 persons, additions shall be made at the rate of 2½ per cent.

(3) In the case of factories which employ six male persons or less, and where a suitable sanitary convenience is provided according to paragraph (2), no urinal need be provided. However, for factories employing seven or more male persons, there shall be provided, in addition to sanitary conveniences as required under paragraph (2), urinals at the following rate—

1 for 7 to 20 persons;

2 for 21 to 45 persons;

3 for 46 to 70 persons;

4 for 71 to 100 persons.

From 101 to 200 persons, additional urinals shall be provided at the rate of 3 per cent. For over 200 persons, additional urinals shall be provided at the rate of 2½ per cent:

Provided that in the case of a factory where the number of males employed exceeds 500, not being a factory constructed, enlarged or converted for use as a factory after the commencement of these Regulations, it shall be sufficient to provide one (1) such convenience as aforesaid for every sixty males if sufficient urinal accommodation is provided, and if the Chief Public Health Inspector issues a certificate (which shall be kept attached to the general register so long as it remains in force), that in his or her opinion the arrangements at the factory are such that this proviso may properly be applied to the factory. Any such certificate shall be liable at any time to be revoked by the Chief Public Health Inspector by notice in writing.

(4) In the case of factories where females are employed, wash basins or ablutions shall be provided as follows—

1 for every 15 persons to 105 persons.

For over 105 persons, additional wash basins shall be provided at the rate of 5 per cent.

(5) In the case of factories where males are employed, wash basins or ablutions shall be provided as follows—

1 for every 15 persons up to 105 persons.

For over 105 persons, additional wash basins shall be provided at the rate of 5 per cent.

(6) Baths, preferably showers, shall be provided to meet the requirements of particular trades or occupations.

(7) Every sanitary convenience shall be sufficiently ventilated and shall not communicate with any work-room except through the open air or through an intervening ventilated space:

Provided that in the case of work-rooms in use prior to the commencement of these Regulations, and mechanically ventilated in such a manner that air cannot be drawn into the work-room through the sanitary conveniences, an intervening ventilated space shall not be required.

(8) Every sanitary convenience (other than a convenience suitable merely as a urinal), shall be under cover and so partitioned off as to secure privacy, and shall have a proper door and fastenings.

(9) Urinals shall be so placed or so screened as not to be visible from other parts of the factory where persons work or pass.

(10) The sanitary conveniences shall be so arranged as to be conveniently accessible to the persons employed at all times while they are at the factory.

(11) In cases where persons of both sexes are employed the sanitary conveniences for each sex shall be so placed or so screened that the interior shall not be visible, even when the door of any convenience is open, from any place where persons of the other sex have to work or pass; and, if the conveniences for one sex adjoin those for the other sex, the approaches shall be separate. The conveniences for each sex shall be indicated by a suitable notice.

Factories (Welfare) Regulations

ARRANGEMENT OF REGULATIONS

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|-----------------|--|
| 1. | Citation and application. |
| 2. | Supply of drinking water. |
| 3. | Facilities for washing. |
| 4. | Accommodation for clothing. |
| 5. | Facilities for sitting. |
| 6. | First-aid. |
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| 8. | Removal of dust or fumes. |
| 9. | Protection of eyes in certain processes. |
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FACTORIES (WELFARE) REGULATIONS

[Section 33.]

1. Citation and application

These Regulations may be cited as the Factories (Welfare) Regulations, and shall apply—

- (a) to all factories as defined in section 2;
- (b) to building operations and works of engineering construction as defined in section 3;
- (c) to electrical stations to which section 46(1) applies; and
- (d) to docks, wharves, quays and warehouses to which section 48 applies:

Provided that, if the Senior Inspector of Factories is satisfied in respect of any factory or other place to which these Regulations apply, that, owing to the special conditions of the work or otherwise, any of the requirements of the Regulations are unnecessary or inappropriate, he or she may by certificate in writing authorise the suspension or relaxation of such requirement for such period and on such conditions as he or she may think fit. Any such certificate may be revoked at any time.

2. Supply of drinking water

(1) There shall be provided and maintained at suitable points conveniently accessible to all persons employed, an adequate supply of drinking water which shall be clean and wholesome.

(2) A supply of drinking water which is not laid on, shall be renewed at least daily and shall be contained in suitable vessels and all practicable steps shall be taken to preserve the water and vessels clean and free from contamination.

(3) A drinking water supply (whether laid on or not) shall in such cases as an inspector may direct be clearly marked "drinking water".

3. Facilities for washing

There shall be provided and maintained for the use of employed persons adequate and suitable facilities for washing (including an adequate supply of soap) and the facilities shall be conveniently accessible and shall be kept in a clean and orderly condition.

4. Accommodation for clothing

(1) There shall be provided and maintained for the use of employed persons, adequate and suitable accommodation for clothing not worn during working hours.

(2) The accommodation for clothing shall be separate from any workroom or store where such separation is necessary to prevent the clothing from coming into contact with—

- (a) lead, arsenic or other poisonous substance; or
- (b) any substance liable to cause ulceration, dermatitis or other affection of the skin; or
- (c) any substantial quantity of dust or moisture of any kind.

5. Facilities for sitting

(1) Where any employed persons have in the course of their employment reasonable opportunities for sitting without detriment to their work, there shall be provided and maintained for their use suitable facilities for sitting sufficient to enable them to take advantage of those opportunities.

(2) Where a substantial proportion of any work can properly be done sitting, there shall be provided and maintained for any employed person doing that work a seat suitable for him or her and the work.

6. First-aid

(1) There shall be provided and maintained so as to be readily accessible a first-aid box or cupboard of the standard prescribed by the Schedule to these Regulations and where more than one hundred and fifty persons are employed an additional box or cupboard for every additional one hundred and fifty persons.

For the purpose of this provision, the number of persons employed in a factory shall be taken to be the largest number of persons employed therein at any one time, and any fraction of one hundred and fifty shall be reckoned as one hundred and fifty.

(2) Nothing except appliances or requisites for first-aid shall be kept in a first-aid box or cupboard, and every first-aid box or cupboard shall be plainly marked "First-aid".

(3) Each first-aid box or cupboard shall be placed under the charge of a responsible person who shall be readily available during working hours and in the case of a factory where more than fifty persons are employed shall be sufficiently trained in first-aid treatment.

(4) If an ambulance room is provided at the factory and such arrangements are made as to ensure the immediate treatment there of all injuries occurring in the factory, the Senior Inspector of Factories may by certificate exempt the factory from the requirements

of this section to such extent and subject to such conditions as he or she may specify in the certificate.

7. Temperature

Effective provision shall be made for securing and maintaining a reasonable temperature in each workroom.

8. Removal of dust or fumes

In every factory in which, in connection with any process carried on, there is given off any dust or fume or other impurity of such a character or to such extent as to be likely to be injurious or offensive to the persons employed, or any substantial quantity of dust of any kind, all practicable measures shall be taken to protect the persons employed against inhalation of the dust or fume or other impurity and to prevent its accumulating in any workroom, and in particular where the nature of the process makes it practicable, exhaust appliances shall be provided and maintained as near as possible to the point of origin of the dust or fume or other impurity so as to prevent it entering the air of any workroom.

9. Protection of eyes in certain processes

(1) In any process which involves a special risk of injury to the eyes from particles or fragments thrown off in the course of the process, suitable goggles or effective screens shall be provided to protect the eyes of persons employed in the process.

(2) Suitable goggles or effective screens shall be provided to protect the eyes of persons employed at welding or cutting of metals by means of an electrical, oxy-acetylene or similar process, and effective arrangements shall be made by the provision of screens or otherwise to protect the eyes of other persons working near to such process.

First Schedule

FACTORIES ACT

FACTORIES (WELFARE) REGULATIONS

First Aid Box Facilities

[Regulation 6(1).]

For factories or other premises or places to which these Regulations apply, in which the number of persons employed does not exceed ten, or (where mechanical power is not used) does not exceed fifty persons, each first-aid box or cupboard shall contain at least—

- (a) a copy of the first-aid leaflet (Form 923);
- (b) a sufficient number (not less than six) of small sterilised dressings for injured fingers;
- (c) a sufficient number (not less than three) of medium size sterilised dressings for injured hands or feet;
- (d) a sufficient number (not less than three) of large sterilised dressings for other injured parts;
- (e) a sufficient number of sterilised burn dressings (small and large);
- (f) a two per cent alcoholic solution of iodine or a one per cent aqueous solution of gentian violet;
- (g) a bottle of sal volatile, having the dose and mode of administration indicated on the label.

For factories or other premises or places to which these Regulations apply, where mechanical power is used and the number of persons employed exceeds ten but does not exceed fifty, each first-aid box or cupboard shall contain at least—

- (a) a copy of the first-aid leaflet (Form 923);
- (b) a sufficient number (not less than a dozen) of small sterilised dressings for injured fingers;
- (c) a sufficient number (not less than six) of medium size sterilised dressings for injured hands or feet;
- (d) a sufficient number (not less than six) of large sterilised dressings for other injured parts;
- (e) a sufficient number of sterilised burn dressings (large and small);
- (f) a sufficient supply of sterilised cotton wool, in half ounce packets;
- (g) a two per cent alcoholic solution of iodine or a one per cent aqueous solution of gentian violet;
- (h) a bottle of sal volatile, having the dose and mode of administration indicated on the label;
- (i) eye drops, prepared as described in the first-aid leaflet (Form 923).

For factories or other premises or places to which these Regulations apply, where the number of persons employed exceeds fifty, each first-aid box or cupboard shall contain at least—

- (a) a copy of the first-aid leaflet (Form 923);
- (b) a sufficient number (not less than two dozen) of small sterilised dressings for injured fingers;
- (c) a sufficient number (not less than one dozen) of medium size sterilised dressings for injured hands or feet;
- (d) a sufficient number (not less than one dozen) of large sterilised dressings for other injured parts;
- (e) a sufficient number of sterilised burn dressings (large and small);
- (f) a sufficient supply of sterilised cotton wool in half ounce packets;
- (g) a two per cent alcoholic solution of iodine or a one per cent aqueous solution of gentian violet;
- (h) a bottle of sal volatile, having the dose and mode of administration indicated on the label;
- (i) eye drops prepared as described in the first-aid leaflet (Form 923);
- (j) a supply of suitable splints and cotton wool or other material for padding;
- (k) a supply of adhesive plaster;
- (l) a tourniquet;
- (m) one dozen roller bandages;
- (n) half a dozen triangular bandages;
- (o) safety pins.

In lieu of the dressings required under items (b) and (c) there may be substituted adhesive wound dressings of suitable quantity.

In all cases, all materials for dressings contained in the first-aid boxes or cupboards shall be those designated in and of a grade or quality not lower than the standards prescribed by the British Pharmaceutical Codex or any supplement thereto.

Second Schedule

FACTORIES ACT

FACTORIES (WELFARE) REGULATIONS

First Aid Treatment Guidelines

[Form 923.]

Scratches or Slight Wounds

Treat every scratch or slight wound immediately. The longer the delay the greater the risk of septic infection.

Do not attempt to wash the wound. Cleaning of surrounding parts, if necessary, should be done with ether or other suitable solvent.

To sterilise the wound, apply the iodine or gentian violet solution* carefully over the broken surface once and allow a short interval of time to elapse.

Apply a "Sterilised Dressing"† or "Adhesive Wound Dressing"‡. Additional packing (for example, cotton wool) and a bandage can be applied over this dressing if necessary.

Septic infection of a wound is caused by introducing germs into it. A sterilised dressing or adhesive wound dressing should therefore always be used. Ordinarily medicated lint does not remain sterile after handling.

Hands are never free from germs and should never touch the wound or the part of the dressing to be applied to the wound.

Burns or Scalds

Cover the injured part with a "Sterilised Burn Dressing" § or other suitable burn dressing.

Note.—Carron oil should not be used for a first-aid dressing, for Carron oil is not sterile, and its use will also interfere with any subsequent treatment by a doctor.

Do not prick a blister, except under medical advice; it is not part of the First-aid treatment.

Acid or Alkali Burns

Flood the burn with cold water.

After flooding, sprinkle it—

- (i) if due to acid, with powdered Bicarbonate of Soda,

* A two per cent alcoholic solution of iodine, or a one per cent aqueous solution of gentian violet.

† "Sterilised Dressing": A complete dressing put up in an individual packet and rendered free from germs.

‡ "Adhesive Wound Dressing": A special type of elastic dressing.

§ "Sterilised Burn Dressing": A dressing as above, prepared specially for burns by the addition of picric acid or other substance such as will not interfere with the sterilised property of the dressing.

(ii) if due to alkali, with powdered Boracic Acid.

Apply a “Sterilised Dressing” of suitable size.

Iodine should never be used for Burns or Dermatitis.

Eye Injuries

A foreign Body in the Eye

Apply two or three Eye Drops¶ by means of the camel hair brush.

Cover with an eye-shade.

Do not try to remove any particle which cannot be brushed away. In such a case a doctor’s advice should be sought at once.

Note.—First-aid treatment is not intended to replace any subsequent treatment which may be necessary by a doctor.

Instructions to chemist for making eye drops: Weigh 95 grams of castor oil into a flask capable of holding twice the quantity. Add 0.5 grams of powdered cocaine. Warm on a water bath till dissolved. While the solution is still warm (but not hot) add one cubic centimetre of a solution containing 3.3 grams of mercuric chloride in 100 cubic centimetres of absolute alcohol. Mix the solution by rotating the flask.

About half an ounce, or 15cc., of this solution should be supplied in a bottle from the cork of which a soft brush is pendent in the fluid.

Factories (Electricity) Regulations

ARRANGEMENT OF REGULATIONS

1. Citation and application.
2. Duties.
3. Definitions.
4. Exemptions.
5. Regulations.

FACTORIES (ELECTRICITY) REGULATIONS

1. Citation and application

These Regulations may be cited as the Factories (Electricity) Regulations, and shall apply to the generation, transformation, conversion, switching, controlling, regulating, distribution and use of electrical energy in any factory and in any other premises, place, process, operation or work to which the provisions of Part IV of the Factories Act, with respect to the power to make subsidiary legislation, are applied by that Act.

2. Duties

¶ Eye Drops—
Cocaine 0.5 per cent
Hyd. Perchlor. in castor oil 1 in 3,000

It shall be the duty of the occupier to comply with these Regulations and it shall be the duty of all agents, workmen and persons employed to conduct their work in accordance with these Regulations.

3. Definitions

In these Regulations—

“apparatus” means electrical apparatus, and includes all apparatus, machines, and fittings in which conductors are used, or of which they form a part;

“authorised person” means—

- (a) the occupier;
- (b) a contractor for the time being under contract with the occupier; or
- (c) a person employed, appointed, or selected by the occupier, or by a contractor as aforesaid, to carry out certain duties incidental to the generation, transformation, distribution, or use of electrical energy, such occupier, contractor, or person being a person who is competent for the purposes of the regulation in which the term is used;

“bare” means not covered with insulating material;

“Chief Electric Inspector” means the person appointed by the Minister to be the Chief Electric Inspector;

“circuit” means an electrical circuit forming a system or branch of a system;

“conductor” means an electrical conductor arranged to be electrically connected to a system;

“covered with insulating materials” means adequately covered with insulating material of such quality and thickness that there is no danger;

“danger” means danger to health or danger to life or limb from shock, burn, or other injury to persons employed, or from fire, attendant upon the generation, transformation, distribution, or use of electrical energy;

“dead” means at, or about, zero potential, and disconnected from any live system;

“earthed” means connected to the general mass of earth in such manner as will ensure at all times an immediate discharge of electrical energy without danger;

“extra-high pressure” means a pressure in a system normally exceeding 3,000 volts, where the electrical energy is used or supplied;

“high pressure” means a pressure in a system normally above 650 volts but not exceeding 3,000 volts, where the electrical energy is used or supplied;

“insulating boots” means boots of such size, quality and construction according to the circumstances of the use thereof, that a person is thereby adequately protected from danger;

“insulating gloves” means gloves of such size, quality, and construction according to the circumstances of the use thereof, that a person is thereby adequately protected from danger;

“insulating screen” means a screen of such size, quality, and construction according to the circumstances of the use thereof, that a person is thereby adequately protected from danger;

“insulating stand” means a floor, platform, stand, or mat of such size, quality, and construction according to the circumstances of the use thereof, that a person is thereby adequately protected from danger;

“live” means electrically charged;

“low pressure” means a pressure in a system normally not exceeding 250 volts where the electrical energy is used;

“medium pressure” means a pressure in a system normally above 250 volts, but not exceeding 650 volts, where the electrical energy is used;

“pressure” means the difference of electrical potential between any two conductors, or between a conductor and earth as read by a hot wire or electrostatic volt-meter;

“public supply” means the supply of electrical energy by any local authority, company, or person authorised by law to distribute and sell electrical energy to any other person;

“sub-station” means any premises, or that part of any premises, in which electrical energy is transformed or converted to or from pressure above medium pressure, except for the purpose of working instruments, relays, or similar auxiliary apparatus, if such premises or part of premises are large enough for a person to enter after the apparatus is in position;

“switchboard” means the collection of switches or fuses, conductors, and other apparatus in connection therewith, used for the purpose of controlling the current or pressure in any system or part of a system;

“switchboard passage-way” means any passage-way or compartment large enough for a person to enter, and used in connection with a switchboard when live;

“system” means an electrical system in which all the conductors and apparatus are electrically connected to a common source of electro-motive force.

4. Exemptions

(1) Nothing in regulations 2, 3, 4, 7, 9, 10, 11, 15, 16, 17, 22, 23, 24, 25, 26, 28, 29, 30 and 31 shall apply, unless on account of special circumstances the Senior Inspector of Factories in consultation with the Chief Electric Inspector shall give notice to the occupier that this exemption does not apply—

- (a) to any system in which the pressure does not exceed low pressure direct or 125 volts alternating;
- (b) in any public supply generating station to any system in which the pressure between it and the earth does not exceed low pressure;
- (c) in any above-ground sub-station for public supply, to any system not exceeding low pressure.

(2) Nothing in these Regulations shall apply to any service lines or apparatus on the supply side of the occupier’s terminals where the supply is taken from a public supply, so long as no live metal is exposed so that it may be touched.

(3) Nothing in these Regulations shall apply to any process or apparatus used exclusively for electro-chemical or electro-thermal or testing or research purposes, so long as such process be so worked and such apparatus so constructed and protected and such special precautions are taken as may be necessary to prevent danger.

(4) Nothing in these Regulations shall apply to apparatus, other than portable apparatus, forming part of the permanent electrical installation of a building, structure, ship or place by reason only that the apparatus, or the installation of which it forms part, is used for the lighting of any building operation or work of engineering construction or work in a ship to which the provisions of section 47(2) or 48 apply, or for the supply of electrical energy for the purposes of any such operation or work.

(5) Where the Senior Inspector of Factories in consultation with the Chief Electric Inspector is satisfied in respect of any factory or other place to which these Regulations apply that, owing to the special conditions of the work or otherwise, any of the requirements of the Regulations can be suspended or relaxed without danger to the

persons employed therein, he or she may by certificate in writing authorise such suspension or relaxation for such period and on such conditions as he or she may think fit. Any such certificate may be revoked at any time.

5. Regulations

(1) All apparatus and conductors shall be sufficient in size and power for the work they are called upon to do, and so constructed, installed, protected, worked and maintained as to prevent danger so far as is reasonably practicable.

(2) All conductors shall either be covered with insulating material and further efficiently protected where necessary to prevent danger, or they shall be so placed and safeguarded as to prevent danger so far as is reasonably practicable.

(3) Every switch, switch fuse, circuit-breaker, and isolating link shall be—

- (a) so constructed, placed, or protected as to prevent danger;
- (b) so constructed and adjusted as accurately to make and to maintain good contact;
- (c) provided with an efficient handle or other means of working, insulated from the system, and so arranged that the hand cannot inadvertently touch live metal;
- (d) so constructed or arranged that it cannot accidentally fall or move into contact when left out of contact.

(4) (a) Every switch intended to be used for breaking a circuit and every circuit-breaker shall be so constructed that it cannot with proper care be left in partial contact. This applies to each pole of double-pole or multi-pole switches or circuit-breakers.

(b) Every switch intended to be used for breaking a circuit and every circuit-breaker shall be so constructed that an arc cannot accidentally be maintained.

(5) Every fuse, and every automatic circuit-breaker used instead thereof, shall be so constructed and arranged as effectively to interrupt the current before it so exceeds the working rate as to involve danger. It shall be of such construction or be so guarded or placed as to prevent danger from overheating, or from arcing or the scattering of hot metal or other substance when it comes into operation. Every fuse shall be either of such construction or so protected by a switch that the fusible metal may be readily renewed without danger.

(6) Every electrical joint and connection shall be of proper construction as regards conductivity, insulation, mechanical strength and protection.

(7) Efficient means suitably located shall be provided for cutting off all pressure from every part of a system, as may be necessary to prevent danger.

(8) Efficient means suitably located shall be provided for protecting from excess of current every part of a system, as may be necessary to prevent danger.

(9) Where one of the conductors of a system is connected to earth, no single pole switch, other than a link for testing purposes or a switch for use in controlling a generator, shall be placed in such conductor or any branch thereof.

A switch or automatic or other cut-out may, however, be placed in the connection between the conductor and earth at the generating station, for use in testing and emergencies only.

(10) Where one of the main conductors of a system is bare and uninsulated, such as a bare return of a concentric system, no switch, fuse, or circuit-breaker shall be placed in that conductor, or in any conductor connected thereto, and the said conductor shall be earthed. Nevertheless, switches, fuses or circuit-breakers may be used to break the connection with the generators or transformers supplying the power:

Provided that in no case of a bare conductor the connection of the conductor with earth is thereby broken.

(11) Every motor, converter and transformer shall be protected by efficient means suitably placed, and so connected that all pressure may thereby be cut off from the motor, converter or transformer as the case may be, and from all apparatus in connection therewith:

Provided, however, that where one point of the system is connected to earth, there shall be no obligation to disconnect on that side of the system which is connected to earth.

(12) (a) Every electrical motor shall be controlled by an efficient switch or switches for starting and stopping, so placed as to be easily worked by the person in charge of the motor.

(b) In every place in which machines are being driven by any electric motor, there shall be means at hand for either switching off the motor or stopping the machines if necessary to prevent danger.

(13) (a) Every flexible wire for portable apparatus, for alternating current or for pressures above 150 volts direct current, shall be connected to the system either by efficient permanent joints or connections, or by a properly constructed connector.

(b) In all cases where the person handling portable apparatus or pendent lamps with switches, for alternating current or pressures above 150 volts direct current, would be liable to get a shock through a conducting floor or conducting work or otherwise, if the metal work of the portable apparatus became charged, the metal work must be efficiently earthed; and any flexible metallic covering of the conductors shall be itself efficiently earthed and shall not itself be the only earth connection for the metal of the apparatus. A lamp-holder shall not be in metallic connection with the guard or other metal work of a portable lamp.

(c) In such places and in any place where the pressure exceeds low pressure, the portable apparatus and its flexible wire shall be controlled by efficient means suitably located, and capable of cutting off the pressure, and the metal work shall be efficiently earthed independently of any flexible metallic cover of the conductors, and any such flexible covering shall itself be independently earthed.

(14) The general arrangement of switchboards shall, so far as reasonably practicable, be such that—

- (a) all parts which may have to be adjusted or handled are readily accessible;
- (b) the course of every conductor may where necessary be readily traced;
- (c) conductors not arranged for connection to the same system are kept well apart, and can where necessary be readily distinguished;
- (d) all bare conductors are so placed or protected as to prevent danger from accidental short circuit.

(15) (a) Every switchboard having bare conductors normally so exposed that they may be touched shall, if not located in any area or areas set apart for the purpose thereof, where necessary be suitably fenced or enclosed.

(b) No person except an authorised person, or a person acting under his or her immediate supervision, shall for the purpose of carrying out his or her duties have access to any part of an area so set apart.

(16) All apparatus appertaining to a switchboard and requiring handling, shall so far as practicable be so placed or arranged as to be operated from the working platform of the switchboard, and all measuring instruments and indicators connected therewith shall, so far as practicable, be so placed as to be observed from the working platform. If such apparatus be worked or observed from any other place, adequate precautions shall be taken to prevent danger.

(17) (a) At the working platform of every switchboard and in every switchboard passage-way, if there be bare conductors exposed or arranged to be exposed when live so that they may be touched, there shall be a clear and unobstructed passage of ample width and height, with a firm and even floor; adequate means of access, free from danger, shall be provided for every switchboard passage-way.

(b) The following provisions shall apply to all such switchboards working platforms and passage-ways constructed after the 1st of January, 1955, unless the bare conductors, whether overhead or at the sides of the passageways, are otherwise adequately protected against danger by divisions or screens or other suitable means—

- (a) those constructed for low-pressure and medium-pressure switch-boards shall have a clear height of not less than 7 feet, and a clear width measured from bare conductor of not less than 3 feet;
- (b) those constructed for high-pressure and extra high-pressure switch boards, other than operating desks or panels working solely at low pressure, shall have a clear height of not less than 8 feet, and a clear width measured from bare conductor of not less than 3 feet 6 inches;
- (c) bare conductors shall not be exposed on both sides of the switch board passage-way unless either—
 - (i) the clear width of the passage is in the case of low-pressure and medium-pressure not less than 4 feet 6 inches, and in the case of high-pressure and extra high-pressure not less than 8 feet, in each case measured between bare conductors, or
 - (ii) the conductors on one side are so guarded that they cannot be accidentally touched.

(18) In every switchboard for high-pressure or extra high-pressure—

- (a) every high-pressure and extra high-pressure conductor within reach from the working platform or in any switchboard passage-way shall be so placed or protected as adequately to prevent danger;
- (b) the metal cases of all instruments working at high-pressure or extra high-pressure shall be either earthed or completely enclosed with insulating covers;
- (c) all metal handles of high-pressure and extra high-pressure switches, and where necessary to prevent danger all metal gear for working the switches, shall be earthed;
- (d) when any work is done on any switchboard for high-pressure or extra high-pressure the switchboard shall be made dead unless—
 - (i) the section of the switchboard on which the work is done (hereinafter referred to as “the relevant section”) is made dead and every other section which is live is either—
 - (1) so separated from the relevant section by permanent or removable divisions or screens as not to be a source of danger to persons working on the relevant section, or
 - (2) in such a position or of such construction as to be as safe as if so separated as aforesaid, or
 - (ii) the switchboard itself is so arranged as to secure that the work is done without danger, without taking any of the precautions aforesaid.

(19) All parts of generators, motors, transformers, or other similar apparatus, at high-pressure or extra high-pressure, and within reach from any position in which any person employed may require to be, shall be, so far as reasonably practicable, so protected as to prevent danger.

(20) Where a high-pressure or extra high-pressure supply is transformed for use at a lower pressure, or energy is transformed up to above low-pressure, suitable provision shall be made to guard against danger by reason of the lower pressure system becoming accidentally charged above its normal pressure by leaking or contact from the higher-pressure system.

(21) Where necessary to prevent danger, adequate precautions shall be taken either by earthing or by other suitable means to prevent any metal other than the conductor from becoming electrically charged.

(22) Adequate precautions shall be taken to prevent any conductor or apparatus from being accidentally or inadvertently electrically charged when persons are working thereon.

(23) Where necessary adequately to prevent danger, insulating stands or screens shall be provided and kept permanently in position, and shall be maintained in sound condition.

(24) Portable insulating stands, screens, boots, gloves, or other suitable means shall be provided and used when necessary adequately to prevent danger, and shall be periodically examined by an authorised person.

(25) Adequate working space and means of access, free from danger, shall be provided for all apparatus that has to be worked or attended to by any person.

(26) All those parts of premises in which apparatus is placed shall be adequately lighted to prevent danger.

(27) All conductors and apparatus exposed to the weather, wet, corrosion, inflammable surroundings or explosive atmosphere, or used in any process or for any special purpose other than for lighting or power, shall be so constructed or protected, and such special precautions shall be taken, as may be necessary adequately to prevent danger in view of such exposure or use.

(28) No person except an authorised person or a competent person acting under his or her immediate supervision shall undertake any work where technical knowledge or experience is required in order adequately to avoid danger; and no person shall work alone in any case in which the Senior Inspector of Factories directs that he or she shall not. No person except an authorised person, or a competent person over twenty-one years of age acting under his or her immediate supervision, shall undertake any repair, alteration, extension, cleaning, or such work where technical knowledge or experience is required in order to avoid danger, and no one shall do such work unaccompanied. Where a contractor is employed, and the danger to be avoided is under his or her control, the contractor shall appoint the authorised person, but if the danger to be avoided is under the control of the occupier, the occupier shall appoint the authorised person.

(29) Instructions as to the treatment of persons suffering from electric shock shall be affixed in all premises or places where electrical energy is generated, transformed or used at a pressure normally exceeding 125 volts alternating or 250 volts direct.

(30) Every sub-station shall be substantially constructed, and shall be so arranged that no person other than an authorised person can obtain access thereto otherwise than by the proper entrance, or can interfere with the apparatus or conductors therein from outside; and shall be provided with efficient means of ventilation and be kept dry.

(31) Every sub-station shall be under the control of an authorised person, and none but an authorised person or a person acting under his or her immediate supervision shall enter any part thereof where there may be danger.

(32) Every underground sub-station not otherwise easily and safely accessible shall be provided with adequate means of access by a door or trapdoor with a staircase or ladder securely fixed and so placed that no live part of any switchboard or any bare conductor shall be within reach of a person thereon:

Provided that the means of access to such sub-stations shall be by a doorway and staircase—

- (a) if any person is regularly employed therein, otherwise than for inspection or cleaning; or
- (b) if the sub-station is not of ample dimensions and there is therein either moving machinery other than ventilating fans, or extra high-pressure.

Factories (Woodworking Machinery) Regulations

1.

These Regulations may be cited as the Factories (Woodworking Machinery) Regulations, and shall apply to all factories or parts thereof and to any other premises or places to which the Act applies and in which any woodworking machine is used:

Provided that if the Senior Inspector of Factories is satisfied in respect of any factory or other place to which these Regulations apply that, owing to the special conditions of the work or otherwise, any of the requirements of the regulations can be suspended or relaxed without danger to the persons employed therein he or she may by certificate in writing authorise such suspension or relaxation for such period and on such conditions as he or she may think fit. Any such certificate may be revoked at any time.

2.

In these Regulations—

“circular saw” means a circular saw working in a bench (including a rack bench) for the purpose of ripping, deep-cutting or cross-cutting, but does not include a swing saw or other saw which is moved towards the wood;

“gauge” means the Imperial Standard Wire Gauge;

“plain band saw” means a band saw, other than a log saw or band re-sawing machine, the cutting portion of which runs in a vertical direction;

“planing machine” includes a machine for overhand planing or for thicknessing or for both operations;

“woodworking machine” means a circular saw, plain band saw, planing machine, vertical spindle moulding machine or chain mortising machine operating on wood.

3.

- (1) It shall be the duty of the occupier to observe regulations 4 to 21.
- (2) It shall be the duty of all persons employed to observe regulation 22.

4.

Every woodworking machine shall be provided with an efficient stopping and starting appliance, and the control of this appliance shall be in such a position as to be readily and conveniently operated by the person in charge of the machine.

5.

Sufficient clear and unobstructed space shall be maintained at every woodworking machine while in motion to enable the work to be carried on without unnecessary risk.

6.

The floor surrounding every woodworking machine shall be maintained in good and level condition, and as far as practicable free from chips or other loose material, and shall not be allowed to become slippery.

7.

Where the natural light at a woodworking machine is inadequate and can be improved by the provisions of additional or better windows not involving serious structural alteration, or by whitening the walls or tops of the factory, or by any other reasonable means, the occupier shall take steps as aforesaid to improve the natural light at the said machine.

8.

The means of artificial lighting for every woodworking machine shall be adequate, and shall be so placed or shaded as to prevent direct rays of light from impinging on the eyes of the operator while he or she is operating such machine.

9.

(1) Every person while being trained to work a woodworking machine shall be fully and carefully instructed as to the dangers arising in connection with such machine and the precautions to be observed.

(2) No person shall be employed at a woodworking machine unless he or she has been sufficiently trained to work that class of machine or unless he or she works under the adequate supervision of a person who has a thorough knowledge of the working of the machine.

10.

Every circular saw shall be fenced as follows—

- (a) the part of the saw below the bench table shall be protected by two plates of metal or other suitable material, one on each side of the saw; such plates shall not be more than 6 inches apart, and shall extend from the axis of the saw outwards to a distance of not less than 2 inches beyond the teeth of the saw. Metal plates, if not beaded, shall be of a thickness at least equal to 14 gauge, or, if beaded, be of a thickness at least equal to 20 gauge;
- (b) behind and in a direct line with the saw there shall be a riving knife, which shall have a smooth surface, shall be strong, rigid, and easily adjustable, and shall also conform to the following conditions—
 - (i) the edge of the knife nearer the saw shall form an arc of a circle having a radius not exceeding the radius of the largest saw used on the bench,
 - (ii) the knife shall be maintained as close as practicable to the saw, having regard to the nature of the work being done at the time, and at the level of the bench table the distance between the front edge of the knife and teeth of the saw shall not exceed half an inch,
 - (iii) for a saw of a diameter of less than 24 inches, the knife shall extend upwards from the bench table to within 1 inch of the top of the saw, and for a saw of a diameter of 24 inches or over shall extend upwards from the bench table to a height of at least 9 inches;
- (c) the top of the saw shall be covered by a strong and easily adjustable guard, with a flange at the side of the saw farthest from the fence. The guard shall

be kept so adjusted that the flange shall extend below the roots of the teeth of the saw. The guard shall extend from the top of the riving knife to a point as low as practicable at the cutting edge of the saw.

11.

A suitable push-stick shall be kept available for use at the bench of every circular saw which is fed by hand, to enable the work to be carried on without unnecessary risk.

12.

Every plain band saw shall be guarded as follows—

- (a) both sides of the bottom pulley shall be completely encased by sheet metal or other suitable material;
- (b) the front of the top pulley shall be covered with sheet metal or other suitable material;
- (c) all portions of the blade shall be enclosed or otherwise securely guarded, except the portion of the blade between the bench table and the top guide.

13.

No planning machine, which is not mechanically fed, shall be used for overhand planning unless it is fitted with a cylindrical cutter block.

14.

Every planning machine used for overhand planning shall be provided with a “bridge” guard capable of covering the full length and breadth of the cutting slot in the bench, and so constructed as to be easily adjusted both in a vertical and horizontal direction.

15.

The feed roller of every planning machine used for thicknessing, except the combined machine for overhand planning and thicknessing, shall be provided with an efficient guard.

16.

The cutter of every vertical spindle moulding machine shall when practicable be provided with the most efficient guard having regard to the nature of the work which is being performed.

17.

For such work as cannot be performed with an efficient guard for the cutter, the wood being moulded at a vertical spindle moulding machine shall, if practicable, be held in a jig or holder of such construction as to reduce as far as possible the risk of accident to the worker.

18.

A suitable “spike” or push-stick shall be kept available for use at the bench of every vertical spindle moulding machine.

19.

The chain of every chain mortising machine shall be provided with a guard which shall enclose the cutters as far as practicable.

20.

The guards and other appliances required by these regulations shall be maintained in an efficient state and shall be constantly kept in position while the machinery is in motion, except when, owing to the nature of the work being done, the use of the guards or appliances is rendered impracticable. The guards shall be so adjusted as to enable the work to be carried on without unnecessary risk.

21.

Regulations 10, 12, 14 and 15 shall not apply to any woodworking machine in respect of which it can be shown that other safeguards are provided and maintained which render the machine equally safe as it would be if guarded in the manner prescribed by these Regulations.

22.

Every person employed on a woodworking machine shall—

- (a) use and maintain in proper adjustment the guards provided in accordance with these Regulations;
- (b) use the spikes or push-sticks and holders provided in compliance with regulations 11, 17 and 18,

except when owing to the nature of the work being done the use of the guards or appliances is rendered impracticable.

Factories (Prescribed Forms) Order

1.

This Order may be cited as the Factories (Prescribed Forms) Order.

2.

Forms 1, 2, 3 and 4 prescribed by this Order shall be used in the cases to which they respectively apply.

FORM 1

FORM 1 OFFICIAL EDITION FACTORIES ACT FORM PRESCRIBED BY THE MINISTER FOR THE GENERAL REGISTER FOR FACTORIES, ELECTRICAL STATIONS, INSTITUTIONS, DOCKS, WHARVES, QUAYS, WAREHOUSES, SHIPS, BUILDING OPERATIONS AND WORKS OF ENGINEERING CONSTRUCTION.	CONSECUTIVE NUMBER ASSIGNED TO THIS BOOK
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This register must be kept available for inspection by any Inspector or the Examining Surgeon for two years (or other prescribed period) after the date of the last entry therein.

Instructions

1. The occupier of every factory is required to keep a General Register in the factory or in such place outside the factory as may be approved by the Inspector.

This requirement applies equally to—

- (a) electrical Stations;
- (b) premises forming part of an institution carried on for charitable or reformatory purposes being premises in which manual labour is exercised in or incidental to the making, altering, repairing, ornamenting, finishing, washing, cleaning or adapting for sale of articles not intended for the use of the institution;
- (c) docks, wharves and quays (including any warehouse belonging to the owners, trustees or conservators of the dock, wharf or quay);
- (d) warehouses in or for the purposes of which mechanical power is used;
- (e) loading, unloading or fuelling of any ship in a dock, harbour or canal and work carried out in a harbour or wet dock in constructing, reconstructing, repairing, refitting, painting, finishing or breaking up a ship or in scaling, scurfing or cleaning boilers (including combustion chambers and smoke boxes) in a ship, or in cleaning oil fuel tanks or bilges in a ship;
- (f) building operations undertaken by way of trade or business or for the business of any industrial or commercial undertaking;
- (g) works of engineering construction undertaken by way of trade or business or for the purpose of any industrial or commercial undertaking;
- (h) lines or sidings which are used in connection with and for the purposes of a factory, or a dock, wharf or quay or building operations or works of engineering construction.

(*Note.*—A separate General Register is not required for lines or sidings unless they are used in connection with more than one factory belonging to different occupiers).

2. The occupier must enter in Part 1 all the particulars required therein.
3. The occupier must enter in Part 2A particulars of all young persons under sixteen years employed, and must enter in Part 2B particulars of all young persons taken into employment when aged sixteen years or over. “Young Person” means a person who has attained the age of fourteen and has not attained the age of eighteen years.
4. The occupier must enter in Part 3 the particulars of every accident of which notice is required to be sent to the Inspector as soon as it becomes reportable (see Notice of Accident, Form 3).
5. The occupier must enter in Part 4 the particulars of every case of lead, phosphorus, arsenical, mercurial, benzene or aniline poisoning, or anthrax or epitheliomatous ulceration of the skin (see Notice of Poisoning or Disease, Form 4).
6. The occupier must enter in Part 5 particulars as to the whitewashing or colour-washing, painting, varnishing or washing required under the Act.

Note.—This requirement applies only to factories, electrical stations and institutions.

PART 1

General

Name of occupier

(In the case of a firm which is not a registered Company the names of each partner should be entered.)

Full postal address of factory

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PART 5

Painting, Whitewashing, etc.

This part of the General Register does not apply to Docks, Wharves, Quays, Warehouses, Ships, Building Operations or Works of Engineering Construction

<i>Dates</i>			<i>Parts whitewashed or colour-washed, painted, varnished, or washed on the dates specified</i>		<i>Name and address of the person or firm by whom the work was done</i>
<i>Month</i>	<i>Day</i>	<i>Year</i>	<i>Parts</i>	<i>Treatment</i>	



FORM 2

FACTORIES ACT

FACTORIES (PRESCRIBED FORMS) ORDER

Official Edition

Abstract of the Act in Form Prescribed by the Minister

(To be kept posted at the Principal Entrance to the premises or in such parts as an Inspector may direct).

Senior Factory Inspector Examining Surgeon
 Address Address
 Name of Occupier
 Address of Works

ABSTRACT

<i>Part 1—Requirements</i>	<i>Part 2—Application</i>	
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PART 1

Requirements

Health

1. Cleanliness

(1) Every factory must be kept clean. In particular accumulations of dirt and refuse must be removed daily from floors and benches and, together with all waste organic matter, shall be placed in a covered pit or receptacle. Effective action shall be taken to prevent the breeding of flies, mosquitoes or other insects, or rats, mice or other vermin. The floor of every workroom shall be cleaned at least once a week.

(2) All inside walls, partitions and ceilings must—

- (a) if they have a smooth impervious surface be washed with soap and water or cleaned by other approved method every six months;
- (b) if kept painted with oil paint or varnished, be repainted or re-varnished every five years and washed with soap and water, etc., every six months; or
- (c) in other cases be whitewashed or colour-washed every twelve months.

The prescribed particulars must be entered in the General Register.

2. Overcrowding

A factory must not be overcrowded. There must be in each workroom at least 400 cubic feet of space for every person employed, or at least 250 cubic feet if not less than twenty-five per cent of all the sides of the room is open to the outer air. In calculating the cubic space in a workroom, no space more than 12 feet from the floor shall be taken into account.

3. Ventilation

Adequate ventilation of workrooms must be secured by the circulation of fresh air. All fumes, dust and other impurities that may be injurious to health, shall be rendered harmless and removed by mechanical means, if necessary.

4. Lighting

There must be sufficient and suitable lighting in every part of the factory in which persons are working or passing.

5. Drainage of floors

Where wet processes are carried on, adequate means for draining the floor must be provided.

6. Sanitary accommodation

Sufficient and suitable sanitary conveniences, separate for each sex, must be provided, and kept clean and adequately lighted.

7. Lifting excessive weights

A young person shall not be employed to lift, carry or move any load so heavy as to be likely to cause injury to him or her.

8. Notification of industrial poisoning or disease

Cases of poisoning by lead, phosphorus, arsenic, mercury, benzene or aniline; anthrax or epitheliomatous ulceration, must forthwith be reported to the Inspector and to the Examining Surgeon on the prescribed form of report (No. 4) and entered in the General Register.

9. Fencing

Every part of the transmission machinery and every dangerous part of other machinery, and all parts of electric generators, motors, rotary converters and flywheels directly connected to them, must be securely fenced unless in such a position or of such construction as to be as safe to every person employed or working on the premises as if securely fenced; and any part of a stock-bar which projects beyond the head-stock of a lathe must be securely fenced unless it is in such a position as to be as safe to every such person as if securely fenced.

10.

Moving parts of other prime movers and flywheels directly connected to them, and the head and tail race of a water wheel or water turbine must be securely fenced irrespective of their positions.

11.

All fencing must be of substantial construction and be maintained in an efficient state.

12. Dangerous ways, works or plant

Every dangerous part of the ways, works or plant shall be so enclosed, covered, fenced or otherwise effectively guarded as to prevent danger.

13. Further requirements in connection with transmission machinery

Devices or appliances for promptly cutting off the power from the transmission machinery must be provided in every room or place where work is carried on. Efficient mechanical appliances must be provided to move driving belts to and from fast and loose pulleys. Driving belts must not rest or ride on revolving shafts when the belt is not in use.

14. New machines

New power-driven machines must not be sold, let on hire, or used unless certain parts are effectively guarded.

15. Cleaning machinery

No person shall clean—

- (a) a prime mover or transmission machinery while it is in motion; or
- (b) any part of any machine if there is risk of injury from any moving part of that machine or of any adjacent machinery.

16. Construction of floors, etc.

Floors, passages, gangways, steps, stairs and ladders must be soundly constructed and properly maintained and handrails must be provided for stairs.

17. Precaution against falls

So far as is reasonably practicable, there must be provided—

- (a) safe means of access to every place at which any person has at any time to work; and

- (b) fencing or other means for ensuring the safety of any person who is to work at a place from which he or she would be liable to fall more than ten feet.

18. Hoists or lifts

Every hoist or lift must be of good mechanical construction, sound material and adequate strength and be properly maintained. It must be thoroughly examined every twelve months, by a competent person whose report must be entered in or attached to the General Register.

Every hoistway must be efficiently protected by a substantial enclosure and landing gates. The safe working load must be marked conspicuously on each hoist.

Every doorway or similar opening used for hoisting or lowering goods must be fenced (except when the hoisting or lowering is going on at that opening) and be provided with a secure hand-hold on each side of the opening.

19. Steam boilers

Every part of every steam boiler, economiser and super-heater must be of good construction, sound material, adequate strength and free from patent defect. Detailed requirements are laid down as to the valves and other fittings.

Steam boilers, economisers and super-heaters and all fittings and attachments must be thoroughly examined by a competent person every twelve months and after extensive repairs. A report of each examination must be attached to the General Register. New or second-hand boilers, economisers or super-heaters must be examined, hydraulically tested and certified before being taken into use.

20. Air pressure containers

Every air pressure container and its fittings must be of sound construction and properly maintained. Detailed requirements are laid down as to the fittings.

Air pressure containers must be thoroughly cleaned, examined and hydraulically tested every twelve months by a competent person and a report entered in or attached to the General Register. New or second-hand air pressure containers must be examined, hydraulically tested and certified before being taken into use.

21. Chains, ropes, lifting tackle and cranes

Regulations or Orders which may be made under the Act shall be observed.

22. Fire

(1) Subject to certain exceptions for small works, a certificate (to be attached to the General Register) must be held from the fire authority that the means of escape in case of fire are such as may reasonably be required. The means of escape specified in the certificate must be properly maintained and kept free from obstruction.

(2) While any person is in the factory for the purpose of employment or meals, doors must not be so locked or fastened that they cannot be easily and immediately opened from the inside. The doors of any room in which more than ten persons are employed, and in the case of newly constructed or converted factories all other doors affording a means of exit from the factory, must be sliding doors or open outwards. Fire exits must be marked by a notice printed in red letters of adequate size.

(3) In certain factories provision for giving warning in case of fire must be made and effective steps taken to ensure that the workers are familiar with the means of escape and their use and the routine to be followed in case of fire.

23. Notification of accidents

Accidents causing loss of life or disabling a worker for more than three days from earning full wages at the work at which he or she was employed must be reported forthwith on the prescribed Form No. 3 to the Inspector and entered in the General Register.

Welfare

24. Drinking water, washing facilities, accommodation for clothing, facilities for sitting, and first-aid

All subsidiary legislation which may be made under the Act shall be observed.

Employment of Women and Young Persons

25. Children

A child under fourteen years must not be employed in any factory, or in the business of a factory outside the factory or in any business, trade or process ancillary to the business of a factory.

26. Women and young persons

No woman or young person may be employed in a factory otherwise than in accordance with subsidiary legislation which may be made under the Act.

(*Note.*—Certain restrictions as to working hours are in force under the Employment of Women, Young Persons and Children Act (Chapter 90)).

Other Requirements

27. Notice of occupation

Within one month after beginning to occupy a factory or introducing mechanical power into a factory, the occupier must furnish the Inspector with certain particulars.

28. Subsidiary legislation

Printed copies or prescribed abstracts of all subsidiary legislation for the time being in force in the factory under the Act must be kept posted in the factory or other approved place.

29. General Register

The occupier must keep a General Register in the prescribed form (Form No. 1).

30. Prohibition of deduction from wages

The occupier must not make a deduction from wages in respect of anything he or she has to do or provide in pursuance of the Act nor permit any person in his or her employment to receive payment from any other employee for such services.

31. Duties of persons employed

Any person employed must not wilfully interfere with or misuse any means, appliance, convenience or other thing provided in pursuance of the Act for securing health, safety or welfare and he or she must use any means or appliance for securing health or safety provided for his or her use under the Act. He or she must not wilfully and

without reasonable cause do anything likely to endanger himself or herself or others and he or she must not neglect his or her duty to the extent of endangering himself or herself or others.

32. Inspection

Inspectors have power to inspect every part of a factory by day or by night, they may require the production of registers, certificates and other papers. They may examine any person found in the factory, either alone or in the presence of any other person as they think fit and may require him or her to sign a declaration of the truth of the matters about which he or she is examined. They may also exercise such other powers as may be necessary for carrying the Act into effect, including certain powers of taking samples for analysis. Every person obstructing an Inspector is liable to a penalty.

PART 2

Application

Factories, Electrical Stations and Institutions

All the foregoing requirements apply to factories (as defined in section 2), electrical stations, and institutions carried on for charitable or reformatory purposes being premises in which manual labour is exercised in or incidental to the making, altering, repairing, ornamenting, finishing, washing, cleaning or adapting for sale of articles not intended for the use of the institution.

Docks, Wharves and Quays

The following of the foregoing requirements apply to docks, wharves and quays (including any warehouse belonging to the owners, trustees or conservators of a dock, wharf or quay and any line or siding used in connection with or for the purposes of a dock, wharf or quay)—

6. Sanitary Accommodation.
8. Notification of Industrial Poisoning or Disease.
9. Fencing.
10. Fencing.
11. Fencing.
13. Further requirements in connection with Transmission Machinery.
14. New Machinery.
15. Cleaning Machinery.
18. Hoists or Lifts.
19. Steam Boilers.
20. Air Pressure Containers.
23. Notification of Accidents.
25. Children.
26. Women and Young Persons.
28. Subsidiary Legislation.
29. General Register.
30. Prohibition of Deduction from Wages.
31. Duties of Persons Employed.

32. Inspection.

Warehouses

Any warehouse belonging to the owners, trustees or conservators of a dock, wharf or quay and every other warehouse (not forming part of a factory) where mechanical power is used, is subject to the following requirements in addition to those enumerated under Docks, Wharves and Quays—

12. Dangerous Ways, Works or Plant.
16. Construction of Floors, etc.
17. Precautions against Falls.
22. Fire.

Ships

The following requirements apply to—

- (a) the processes of loading, unloading or coaling of any ship in any dock, harbour or canal and to all machinery or plant used in those processes;
- (b) any work carried out in a harbour or wet dock in constructing, reconstructing, repairing, refitting, painting, finishing or breaking up a ship or in scaling, scurfing or cleaning boilers (including combustion chambers and smoke boxes) in a ship, or in cleaning oil fuel tanks or bilges in a ship, but not any such work done by the master or crew of a ship or done on board ship during a trial run—
 8. Notification of Industrial Poisoning or Disease.
 15. Cleaning Machinery (paragraph (b) above).
 23. Notification of Accidents.
 25. Children.
 26. Women and Young Persons.
 28. Subsidiary Legislation (paragraph (a) above).
 29. General Register.
 30. Prohibition of Deduction from Wages.
 31. Duties of Persons Employed.
 32. Inspection.

The following further requirements apply, but not to any machinery or plant which is on board a ship and is the property of the ship owner (unless the ship is owned or worked by or on behalf of the Government or any owner or hirer resident in Grenada, and is ordinarily used within the territorial sea of Grenada)—

9. Fencing.
10. Fencing.
11. Fencing.
13. Further requirements in connection with Transmission Machinery.
15. Cleaning Machinery (paragraph (a) above).
18. Hoists or Lifts.
19. Steam Boilers.
20. Air Pressure Containers.

Building Operations and Works of Engineering Construction

1.

Copies of the prescribed abstract of the Act and of subsidiary legislation must be kept posted, either at the site of the operations or at each office, yard or shop at which the persons employed attend.

Note.—Any yard or dry dock, including the precincts thereof, in which ships or vessels are constructed, reconstructed, repaired, refitted, finished or broken up, is a factory within the meaning of section 2 of the Act and all the requirements in Part 1 of the abstract must be observed.

2.

A general register must be kept either at the office of the person undertaking the operations or (in the case of a register for a particular site) on that site.

3.

Within seven days after the beginning of any operations or works which are not expected to be completed within six weeks, the person undertaking them must serve written particulars on the Inspector.

The following requirements also apply—

4. Lighting.
6. Sanitary Accommodation.
8. Notification of Industrial Poisoning or Disease.
9. Fencing.
10. Fencing.
11. Fencing.
13. Further requirements in connection with Transmission Machinery.
14. New Machines.
15. Cleaning Machinery.
19. Steam Boilers.
20. Air Pressure Containers.
23. Notification of Accidents.
25. Children.
26. Women and Young Persons.
30. Prohibition of Deduction from Wages.
31. Duties of Persons employed.
32. Inspection.

Other Places

Where part of a building is let off as a separate factory, the following requirements apply to any part of the building used for the purposes of the factory but not comprised therein.

1. Cleanliness.
4. Lighting.

9. Fencing (in relation to prime movers and transmission machinery).
10. Fencing (in relation to prime movers and transmission machinery).
11. Fencing (in relation to prime movers and transmission machinery).
16. Construction of Floors, etc.
22. Fire.

The provisions of the Act in respect of (i) Hoists or Lifts (ii) Steam Boilers (iii) Air Pressure Containers, must be observed whether the hoist or lift, steam boiler or air pressure container is situated in premises to which the Act applies or not.

FORM 3

FACTORIES ACT

FACTORIES (PRESCRIBED FORMS) ORDER

Form Prescribed by the Minister

[Section 37.]

Notice of Accident

FORM 3	OFFICIAL EDITION	<i>This space to be filled in by the Inspector</i>
FACTORIES ACT		
Form prescribed by the Minister for Notice of Accident to be sent (immediately on the accident becoming reportable) to the Inspector.		
<ol style="list-style-type: none"> 1. Name of Occupier. 2. Address of works where accident happened. 3. Nature of Industry. 4. Branch, Section, or Department and exact place where the accident happened. 5. Injured person's names (in full). Address. 6. (a) Sex (b) Age (last birthday) (c) Occupation 7. Date and hour of accident. 8. Hour at which he/she started work on day of accident. 9. (a) Cause or nature of accident. (b) If caused by machinery— <ol style="list-style-type: none"> (i) give name of the machine and part causing accident; (ii) state whether it was moved by mechanical power at the time. (c) State exactly what injured person was doing at the time. 10. Describe briefly nature and extent of injuries (e.g. fatal, loss of finger, fracture of leg, scald, etc.). 11. If the accident is not fatal, state whether injured person was disabled for more than three days from earning full wages at the work at which he/she was employed. 12. Has the accident been entered in the General Register? 		

.....
*Signature of Occupier,
 Manager or Agent*

.....
 Date

Instructions

1. Where there occurs in a Factory: (*see also paragraph 4 below*)—
 - (a) an accident causing loss of life to a person employed therein; or
 - (b) an accident which disables any person employed therein for more than three days from earning full wages at the work at which he or she was employed,the occupier must forthwith send notice thereof on this Form to the Inspector.
2. If an accident notified as above as causing disablement results in the death of the person disabled, the occupier must send to the Inspector notice of the death as soon as it comes to his or her knowledge.
3. If the occupier is not the actual employer of the person killed or injured by an accident as above, the actual employer must immediately report the accident to the occupier.
4. The above requirements apply equally to accidents of the same class in—
 - (1) Electrical Stations.
 - (2) Premises forming part of an Institution carried on for charitable or reformatory purposes being premises in which manual labour is exercised in or incidental to the making, altering, repairing, ornamenting, finishing, washing, cleaning or adapting for sale of articles not intended for the use of the Institution.
 - (3) Warehouses in or for the purposes of which mechanical power is used.
 - (4) Docks, wharves and quays (including any warehouse belonging to the owners, trustees or conservators of the dock, wharf, or quay).
 - (5) Loading, unloading or fuelling of any ship in any dock, harbour or canal.
 - (6) Work carried out in a harbour or wet dock in constructing, reconstructing, repairing, refitting, painting, finishing, or breaking up a ship or in scaling, scurving, or cleaning boilers (including combustion chambers and smoke-boxes) in a ship, or in cleaning oil fuel tanks or bilges in a ship.
 - (7) Building operations undertaken by way of trade or business, or for the purpose of any industrial or commercial undertaking.
 - (8) Works of engineering construction undertaken by way of trade or business or for the purposes of any industrial or commercial undertaking.
 - (9) Lines or sidings which are used in connection with or for the purposes of a factory, or a dock, wharf or quay, or building operations or works of engineering construction.

Observations of Inspector

FORM 4

FACTORIES ACT

FACTORIES (PRESCRIBED FORMS) ORDER

Form Prescribed by the Minister

[Section 38.]

Notice of Case of Poisoning or Disease

occurring in a factory or other premises to which the provisions of the Factories Act as to the notification of industrial diseases apply. (*See footnote (a)*).

A notice in this form should be sent forthwith, both to the Senior Factory Inspector and to the Examining Surgeon, by the Occupier of the factory or premises (see footnote (b)) if there occurs a case of lead, phosphorus, arsenical, mercurial, benzene or aniline poisoning, or anthrax or epitheliomatous ulceration.

WORKS—

1. Name of Occupier or Employer.

2. Address of Factory or premises.
3. Address of Office (if the work on the premises is only temporary).
4. Nature of Industry.

PERSON AFFECTED—

5. Nature of Poisoning or Disease
(see above).
6. Name.
7. Address (permanent).
8. Temporary Address (if any).
9. Sex and Age last birthday.
10. Precise Occupation
(Avoid the term “labourer” where possible).
11. Has the case been reported to the Examining Surgeon?
12. Has the case been entered in the General Register?

.....

Signature of Occupier or Agent

.....

Date

Footnotes.—

- (a) Such premises include certain electrical stations; the sites of building operations or works of engineering construction; docks, wharves, quays and warehouses; and ships in a harbour or wet dock, as respects work in constructing, reconstructing, repairing, refitting, painting, finishing or breaking up a ship or in scaling, scurfing or cleaning boilers (including combustion chambers and smoke-boxes) in a ship, or in cleaning oil-fuel tanks or bilges in a ship, and the loading, unloading or fuelling of a ship in a dock, harbour or canal.
- (b) In the case of building operations, works of engineering construction, docks, etc., the notice should be sent by the employer of the person effected.
