

THE STATUTE LAWS OF CYPRUS

No. 38 of 1956.

A LAW TO PROVIDE FOR THE REGULATION OF THE CONDITIONS OF EMPLOYMENT IN FACTORIES AND OTHER PLACES AS REGARDS THE HEALTH, SAFETY AND WELFARE OF PERSONS EMPLOYED THEREIN, FOR THE SAFETY AND INSPECTION OF CERTAIN PLANT AND MACHINERY, AND FOR PURPOSES INCIDENTAL TO, OR CONNECTED WITH, MATTERS AFORESAID.

JOHN HARDING,]

[22nd December, 1956.

Governor.

BE it enacted by His Excellency the Governor and Commander-in-Chief of the Colony of Cyprus as follows :—

1.—(1) This Law may be cited as the Factories Law, 1956.

(2) This Law shall, except as otherwise provided, come into operation on the 2nd day of April, 1957 :

Provided that, if it is shown to the satisfaction of the Governor-in-Council as respects this Law or any particular requirement thereof that, by reason of special circumstances, it would be right in the case either of factories generally or of any class or description of factory that the Law or the said requirement, as the case may be, should not come into operation on the date aforesaid, the Governor-in-Council may by order postpone the date of coming into operation of the Law or of the said requirement, as respects factories generally or that class or description of factory, until such date as he may think fit.

PART I.—INTERPRETATION.

2.—(1) Subject to the provisions of this section, the expression “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:—

Interpreta-
tion of
expression
“factory”.

- (a) the making of any article or of part of any article; or
- (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; and any 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) the expression “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, plating, 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 purpose of housing locomotives or vehicles where only cleaning, washing, running repairs or minor adjustments are carried out;
- (vii) any premises in which printing by letter-press, 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 adaptation 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 or for purposes of gain;
- (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 waterworks or other premises in which mechanical power is used for the purposes of, or in connection with, a public water supply;
- (xiv) any sewage works in which mechanical power is used and any pumping station used in connection with any sewage works;
- (xv) any irrigation works in which mechanical power is used and any pumping station used in connection with any irrigation works;
- (xvi) any hydraulic power generating works.

(2) Any line or siding (not being part of a railway) 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 Commissioner, 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 Law, and, in the case of any such workplace not being a tenement factory or part of a tenement factory, the provisions of this Law 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) 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 Law, but shall, if otherwise it would be a factory, be deemed to be a separate factory.

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

(7) Where the Commissioner by certificate in writing, so directs as respects all or any purposes of this Law, different branches or departments of work carried on in the same factory shall be deemed to be different factories.

(8) Any premises belonging to or in the occupation of Her Majesty's Government in the United Kingdom or any department thereof, or of the Government of Cyprus or any department thereof, or of any local authority, shall not be deemed not to be a factory, and building operations or works of engineering construction undertaken by or on behalf of Her Majesty's Government in the United Kingdom or any department thereof, or the Government of Cyprus or any department thereof, or any local authority shall not be excluded from the operation of this Law, by reason only that the work carried on thereat is not carried on by way of trade or for purposes of gain.

3.—(1) In this Law, unless the context otherwise requires—

General interpretation.

“air receiver” means—

- (a) any vessel (other than a pipe or coil, or an accessory, fitting or part of a compressor) for containing compressed air and connected with an air-compressing plant; or
- (b) any fixed vessel for containing compressed air or compressed exhaust gases and used for the purpose of starting an internal combustion engine; or
- (c) any fixed or portable vessel (not being part of a spraying pistol) used for the purpose of spraying by means of compressed air any paint, varnish, lacquer or similar material; or
- (d) any vessel in which oil is stored and from which it is forced by compressed air;

“bodily injury” includes injury to health;

“building operation” means the construction, structural alteration, repair or maintenance of a building (including re-pointing, re-decoration 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 Law;

“Chief Inspector” means the chief inspector appointed under this Law, and includes any person acting for the chief inspector for the time being;

“child” has the same meaning as in the Children and Young Persons (Employment) Law, 1953, or any Law amending or substituted for the same;

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

“Commissioner” means the Commissioner of Labour and includes an Assistant Commissioner of Labour;

“contravention” includes in relation to any provision a failure to comply with that provision and the expression “contravene” shall be construed accordingly;

“court” means a District Court;

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

“fume” includes gas or vapour;

“General Register” means the register kept in accordance with the requirements of section 79 of this Law;

“harbour” includes harbours properly so called, whether natural or artificial, piers, jetties and other works in or at which ships can obtain shelter, or ship or unship goods or passengers;

“Inspector” means an Inspector appointed under section 86 of this Law;

“machinery” includes any driving-belt;

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

“mine” has the same meaning as in the Mines and Quarries (Regulation) Laws, 1953 and 1956, or any Law amending or substituted for the same;

“minerals” has the same meaning as in the Mines and Quarries (Regulation) Laws, 1953 and 1956, or any Law amending or substituted for the same;

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

“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 wages;

“prescribed” except in Part IX means prescribed by order of the Governor;

“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;

“quarry” has the same meaning as in the Mines and Quarries (Regulation) Laws, 1953 and 1956, or any Law amending or substituted for the same;

“railway” means any railway used for the purposes of public traffic whether passenger, goods, or other traffic and includes any works of the railway company connected with the railway;

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

“steam boiler” includes any closed vessel in which for any purpose steam is generated under pressure greater than atmospheric pressure and includes any oil-burning apparatus or mechanical stoker used to fire any such vessel and any economiser used to heat water being fed to any such vessel, and any superheater used for heating steam;

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“ 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 approximately that pressure, for the purpose of heating, boiling, drying, evaporating or other similar purpose ;

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

“ tenement factory ” means any premises where mechanical power from any prime mover within the close or curtilage of the premises is distributed for use in manufacturing processes to different parts of the same premises occupied by different persons in such manner that those parts constitute in law separate factories ;

“ 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 ;

“ woman ” means a woman who has attained the age of eighteen ;

“ work of engineering construction ” means the construction of any railway line or siding otherwise than upon an existing railway, and the construction, structural alteration or repair including repointing and repainting) or the demolition of any dock, harbour, tunnel, bridge, viaduct, waterworks, reservoirs, pipeline, aqueduct, sewer, sewage works, and shall include such other works as the Governor-in-Council may, by order, specify ;

“ young person ” has the same meaning as in the Children and Young Persons (Employment) Law, 1953, or any Law amending or substituted for the same. 33 of 1953

(2) 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 Law, be deemed to be employed therein for the purposes of this Law or of any proceedings thereunder.

(3) 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 Law or of any proceedings thereunder.

(4) For the purposes of this Law, an apprentice shall be deemed to be a person employed.

PART II.—APPLICATION OF LAW.

General application of Law.

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

Application to factories belonging to the Crown.

5.—(1) This Law shall apply to factories belonging to or in the occupation of Her Majesty's Government in the United Kingdom or the Government of Cyprus and to building operations and works of engineering construction undertaken by or on behalf of Her Majesty's Government in the United Kingdom or the Government of Cyprus; but the Governor may at any time for operational or security reasons, by order, to the extent and during the period named in the order exempt from this Law any factory belonging to Her Majesty's Government in the United Kingdom or the Government of Cyprus or any building operations or works of engineering construction undertaken by or on behalf of Her Majesty's Government in the United Kingdom or the Government of Cyprus or any factory in respect of work which is being done on behalf of Her Majesty's Government in the United Kingdom or the Government of Cyprus.

(2) Notwithstanding anything in sub-section (1) contained, this Law shall not apply to any factory in which no persons who are not members of the Armed Forces of the Crown are employed.

(3) In this section—

“Her Majesty's Government in the United Kingdom” includes any department thereof; and “Government of Cyprus” includes any department thereof.

PART III.—REGISTRATION OF FACTORIES.

Registration of factories.

6. The Chief Inspector shall keep a register of factories in which he shall cause to be entered such particulars in relation to every factory required to be registered under this Law as he may consider necessary or desirable.

Application for registration of existing factories.

7. Every person who at the date of the commencement of this Law occupies a factory shall, within one month after such commencement, make application to the Chief Inspector for the registration of such factory:

Cap. 173,
18 of 1953.

Provided that any person who at the commencement of this Law is in possession of a valid certificate of registration issued under section 9 of the Trades and Industries (Regulation) Law shall be deemed to have made application for the registration of any factory in or on the premises in respect of which such certificate was issued.

Application for registration of premises in respect of new factories.

8. Every person who at any time after the commencement of this Law desires to occupy or use any premises as a factory shall before commencing to do so make application to the Chief Inspector for the registration of the premises.

9. Every application for the registration of any premises to be occupied or used as a factory shall be made in writing to the Chief Inspector by the person occupying, or desiring to occupy, or use, such premises and shall be in the form and shall contain the particulars specified in the First Schedule to this Law.

Application for registration of premises how made. First Schedule. Requisites for registration of premises.

10. No premises shall be registered unless the Chief Inspector is satisfied, by the inspection of the premises or otherwise, that the premises are suitable for use as a factory of the kind notified by the applicant under the provisions of section 9.

11.—(1) Where the Chief Inspector decides to grant the application he shall cause the premises to be registered and shall issue to the applicant a certificate of registration in respect of such premises in the form specified in the Second Schedule to this Law and such certificate shall be exhibited and kept exhibited in a conspicuous place on the premises :

Registration of premises.

Second Schedule.

Provided that any certificate of registration issued under section 9 of the Trades and Industries (Regulation) Law and in force at the date of coming into operation of this Law may be deemed by the Chief Inspector to be a certificate of registration issued under the provisions of this sub-section.

Cap. 173. 18 of 1953.

(2) Where the Chief Inspector refuses to grant the application he shall give the applicant notice in writing of his refusal and shall, if so required by the applicant, state in writing the grounds of such refusal, and the applicant may within one month from the date of such notice appeal to the Governor-in-Council whose decision thereon shall be final and conclusive.

12. Where, under the provisions of any other law for the time being in force in the Colony, plans, drawings and calculations of an intended factory or of any intended building appurtenant to a factory are submitted to any authority such authority shall, before approving such plans, forward copies thereof to the Chief Inspector and, notwithstanding the provisions of any such other law as aforesaid, shall not approve the plans until notified by the Chief Inspector that the premises concerned are, in his opinion, suitable for use as a factory of the nature proposed.

Plans of new factories.

13. Not less than one month before the date upon which mechanical power is first used in any factory, the occupier shall send to an Inspector a written notice stating the nature of such mechanical power.

Notification of use of mechanical power.

14. Every certificate of registration issued under section 11 shall remain in force until the applicant ceases to occupy the premises in respect of which such certificate was issued.

Duration of certificate of registration.

15. Any person who occupies, or uses any premises as a factory which is not registered for the time being under the provisions of this Law shall be guilty of an offence and on conviction shall be liable to a fine not exceeding twenty pounds or to imprisonment for one month or to both such penalties, and if the contravention in respect of which he was so convicted is continued after the conviction, he shall be guilty of a further offence and liable in respect thereof to a fine, not exceeding two pounds, for each day on which the offence was so continued.

Offence and penalty.

PART IV.—HEALTH (GENERAL PROVISIONS).

Cleanliness.

16. Every factory and the equipment used therein 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 of workrooms, and from the staircases and passages ;
- (b) the floor of every workroom shall be cleaned at least once in every week by washing or, if it is effective and suitable, by sweeping or other method ;
- (c) all waste water shall be conducted into a covered pit through pipes or underground drains ;
- (d) all inside walls and partitions, and all ceilings or tops of rooms, and all walls, sides and tops of passages and staircases, shall—
 - (i) where they have a smooth impervious surface, at least once in every period of fourteen months, be washed with hot water and soap or other suitable detergent or cleaned by such other method as may be approved by an Inspector ;
 - (ii) where they are kept 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 fourteen months be washed with hot water and soap or other suitable detergent or cleaned by such other method as may be approved by an Inspector ;
 - (iii) in other cases be kept limewashed, and the lime-washing shall be repeated at least once in every period of fourteen months ;
- (e) all woodwork shall be painted by such methods as may be approved by the Inspector :

Provided that—

- (i) except where an Inspector in any case otherwise requires, the provisions of paragraph (d) of this section shall not apply to any factory where mechanical power is not used and less than ten persons are employed ; and
- (ii) where it appears to the Chief Inspector that in any factory or parts thereof any of the foregoing provisions of this section are not required for the purpose of keeping the factory in a clean state, or are by reason of special circumstances inappropriate or inadequate for such purpose, he may, if he thinks fit, by order in writing, direct that those provisions shall not apply to such factory or parts thereof, or shall apply as varied by the order.

17.—(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. Over-crowding.

(2) Without prejudice to the generality of the provisions of sub-section (1), a factory shall be deemed to be so overcrowded as aforesaid, if the number of persons employed at a time in any workroom is such that the amount of cubic space allowed for every person employed in the room is less than eleven cubic metres :

Provided that, if the Chief Inspector is satisfied that owing to the special conditions under which the work is carried on in any workroom the application of this sub-section to that workroom would be inappropriate or unnecessary, he may by certificate in writing except the workroom from those provisions subject to any conditions specified in the certificate.

(3) As respects any room used as a workroom at the date of the enactment of this Law, sub-section (2) shall, for the period of three years after that date, and, if before the expiration of that period effective and suitable mechanical ventilation has been provided in the room, for a further period of three years, have effect as if for the reference therein to eleven cubic metres there were substituted a reference to seven cubic metres :

Provided that this sub-section shall cease to apply to the room—

- (a) if the room passes into the occupation of any person other than the person who was the occupier thereof at the date of the enactment of this Law, or his successor in the same business ; or
- (b) if, during the first of the said periods, the inspector for the region requires the provision of effective and suitable mechanical ventilation in the room and default is made in complying with the requirement ; or
- (c) if, during the second of the said periods or in a case where it has been provided in pursuance of the inspector's requirement during either of those periods, the effective and suitable mechanical ventilation provided in the room ceases to be maintained.

(4) The Commissioner may make rules, as respects any class or description of factory or parts thereof or any process, increasing the number of cubic metres which must under this section be allowed for every person employed in a workroom.

(5) In calculating, for the purposes of this section, the amount of cubic space in any room, no space more than four metres and twenty-five centimetres from the floor shall be taken into account, and, where a room contains a gallery, 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 :

Provided that every workshop or gallery shall be not less than two metres and twenty-five centimetres in height measured from the floor of the workshop or gallery to the lowest part of the ceiling.

(6) If an Inspector so requires, there shall be posted in the workroom a notice specifying the number of persons who, having regard to the provisions of this section, may be employed in that room.

Temperature.

18.—(1) Effective provision shall be made for securing and maintaining a reasonable temperature in each workroom, but no method shall be employed which results in the escape into the air of any workroom of any fume of such a character and to such an extent as to be likely to be injurious or offensive to persons employed therein.

(2) The Commissioner may, by rules, for factories or for any class or description of factory or parts thereof, prescribe a standard of reasonable temperature and prohibit the use of any methods of maintaining a reasonable temperature which, in his opinion, are likely to be injurious to the persons employed, and direct that thermometers shall be provided and maintained in such places and position, as may be specified.

Ventilation.

19.—(1) Effective and suitable provision shall be made for securing and maintaining by the circulation of fresh air in each workroom the adequate ventilation of the room, and for rendering harmless, so far as practicable, 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.

(2) The Commissioner may, by rules, prescribe a standard of adequate ventilation for factories or for any class or description of factory or parts thereof.

Lighting.

20.—(1) Effective provision shall be made for securing and maintaining sufficient and suitable lighting, whether natural or artificial, in every part of a factory in which persons are working or passing.

(2) The Commissioner may, by rules, prescribe a standard of sufficient and suitable lighting for factories or for any class or description of factory or parts thereof, or for any process.

(3) 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 sub-section shall not affect the limewashing or shading of windows and skylights for the purpose of mitigating heat or glare.

Drainage of floors.

21.—(1) Subject to the provisions of section 63, the floors of all workrooms of a factory shall be of impervious material properly laid and shall be at least twenty centimetres above the level of the adjoining street :

Provided that the Chief Inspector may sanction :—

(a) a floor below street level for the purpose of a specific trade if he is satisfied that such a floor is necessary and effective drainage can be arranged ;

(b) a wooden floor for the purpose of a specific trade if he is satisfied that such floor will not become insanitary.

(2) 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 fluid.

22.—(1) Sufficient and suitable sanitary conveniences for the persons employed in the factory shall be provided, maintained and kept clean, and effective provision shall be made for lighting the conveniences and, where persons of both sexes are or are intended to be employed (except in the case of factories where the only persons employed are members of the same family dwelling there), such conveniences shall afford proper separate accommodation for persons of each sex.

Sanitary conveniences.

(2) The Governor may make regulations determining for factories or for any class or description of factory what is sufficient and suitable provision for the purposes of this section.

23.—(1) Where it appears to the Governor-in-Council that in any factory or class of description of factory—

Power to require medical supervision.

- (a) cases of illness have occurred which he has reason to believe may be due to the nature of a process or other conditions of work ; or
- (b) by reason of changes in any process or in the substances used in any process, or by reason of the introduction of any new process or new substance for use in a process, there may be risk of injury to the health of persons employed in that process ; or
- (c) there may be risk of injury to the health of persons employed—
 - (i) from any substance or material brought to the factory to be used or handed therein ; or
 - (ii) from any change in the conditions of work or other conditions in the factory ;

he may make special regulations requiring such reasonable arrangements to be made for the medical supervision (not including medical treatment other than first-aid treatment and medical treatment of a preventive character) of the persons, or any class of the persons, employed at the factory or class or description of factory as may be specified in the regulations.

(2) If any person employed in any factory is suspended from his employment, under the provisions of any regulations made under this section, on the ground that he is suffering from any disease specified in the Second Schedule to the Workmen's Compensation Law, or any Law amending or substituted for the same, such person shall be entitled to compensation under the provisions of section 28B of the Workmen's Compensation Law, or of any Law amending or substituted for the same, as if he were a person to whom a certificate had been issued by an examining physician under the provisions of the said section 28B.

Cap. 216.
14 of 1951.
22 of 1952.
1 of 1954.
67 of 1955.

PART V.—SAFETY (GENERAL PROVISIONS).

24.—(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 sub-section (3), shall be securely fenced, whether the flywheel or prime mover is situated in an engine-house or not.

Prime movers.

(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.

Trans-
mission
machinery.

25.—(1) Every part of any 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) Every machine intended to be driven by mechanical power shall be provided with an efficient starting and stopping appliance, the control of which shall be in such a position as to be readily and conveniently operated by the person operating the machine.

(4) 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.

(5) 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.

(6) The Chief Inspector may by certificate in writing grant, subject to any conditions specified in the certificate, exemption from compliance with any of the requirements of the last four foregoing sub-sections in any case where he is satisfied that compliance with the requirement is unnecessary or impracticable.

Other
machinery.

26.—(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 sub-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) Where the Commissioner is satisfied that there is available and suitable for use in connection with machinery of any class any type or description of safety device which—

(a) prevents the exposure of a dangerous part of machinery whilst in motion ; or

(b) stops a machine forthwith in case of danger, he may make rules directing that that type or description of device shall be provided for use in connection with such class of machinery as may be specified in the rules :

Provided that, in any proceedings in respect of a contravention of this sub-section, it shall be a sufficient defence to prove that a device at least equally effective was being used in connection with the machinery in respect of which the contravention occurred.

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

(4) The Commissioner may, as respects any machine or any process in which a machine is used, make rules requiring the fencing of materials or articles which are dangerous while in motion in the machine.

27. In determining, for the purposes of the foregoing provisions of this Part of this Law, whether any part of machinery 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—

Provisions
as to
unfenced
machinery.

(a) no account shall be taken of any person carrying out, while the part of machinery is in motion, an examination thereof or any lubrication or adjustment shown by such examination to be immediately necessary, being an examination, lubrication or adjustment which it is necessary to carry out while the part of machinery is in motion ; and

(b) in the case of any part of transmission machinery used in any process in any factory with respect to which the Chief Inspector has declared, by certificate in writing, that he is satisfied that, owing to the continuous nature of such process, the stopping of that part would seriously interfere with the carrying on of the process in such factory, no account shall be taken of any person carrying out in the factory, by such methods and in such circumstances and subject to such conditions as may be specified in the certificate, any lubrication or any mounting or shipping of belts :

Provided that this section shall only apply where—

(1) the examination, lubrication or other operation as aforesaid is carried out by a male person who—

(i) has attained the apparent age of eighteen years ; and

(ii) has been appointed by the occupier of the factory, by certificate attached to the General Register, to carry out such examination, lubrication or other operation ; and

- (iii) has been sufficiently trained for the purposes of the work entailed by, and is acquainted with the dangers of moving machinery arising in connection with, such examination, lubrication or other operation ; and
- (iv) has been provided by the occupier with and is wearing a close-fitting garment in good repair, which is fastened by means having no exposed loose ends and has no external pockets other than a hip pocket ; and
- (2) another person, instructed as to the steps to be taken in case of emergency, is immediately available within sight or hearing of any person carrying out such examination, lubrication or other operation ; and
- (3) any ladder in use for the carrying out of such examination, lubrication or other operation is securely fixed or lashed, or is firmly held by a person stationed at the foot of the ladder.

Construction and maintenance of fencing.

28. All fencing or other safeguards provided in pursuance of the foregoing provisions of this Part of this Law 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 necessarily exposed for examination and for any lubrication or adjustment shown by such examination to be immediately necessary and all the requirements of the proviso to section 27 are complied with.

Construction and disposal of new machinery.

29.—(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 or key on any revolving shaft, spindle, wheel or pinion shall be so sunk, encased or otherwise effectively guarded as to prevent danger ; and
- (b) all spur and other toothed or friction gearing, which does not require frequent adjustment while in motion, shall be completely encased, unless it is so situated as to be as safe as it would be if completely encased.

(2) Any person who sells or lets on hire, or as agent of the seller or hirer causes or procures to be sold or let on hire, for use in a factory in the Colony, any machine intended to be driven by mechanical power which does not comply with the requirements of this section shall be guilty of an offence and liable to a fine not exceeding fifty pounds.

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

Vessels containing dangerous liquids.

30.—(1) Every fixed vessel, structure, sump or pit of which the edge is less than one metre above the adjoining ground or platform shall, if it contains any scalding, corrosive or poisonous liquid, either be securely covered or be securely fenced to at least that height, or where by reason of the nature of the work

neither secure covering nor secure fencing to that height is practicable, all practicable steps shall be taken by covering, fencing or other means to prevent any person from falling into the vessel, structure, sump or pit.

(2) The Chief Inspector may, by certificate in writing, exempt from the requirements of this section any vessel, structure, sump or pit in the case of which he is satisfied that the requirements are unnecessary or inappropriate.

31. No traversing part of any self-acting machine and no material carried thereon shall, if the space over which it runs is a space over which any person is liable to pass, whether in the course of his employment or otherwise, be allowed on its outward or inward traverse to run within a distance of fifty centimetres from any fixed structure not being part of the machine.

Self-acting machines.

32. No person shall work at any machine or in any process, being a machine or process liable to cause bodily injury, unless he has been fully instructed as to the dangers likely to arise in connection therewith and the precautions to be observed, and—

Training and supervision of inexperienced workers.

(a) has received a sufficient training in work at the machine or in the process; or

(b) is under adequate supervision by a person who has a thorough knowledge and experience of the machine or process.

33.—(1) Every hoist or lift shall be of good mechanical construction, sound material and adequate strength, and shall, together with all gates, interlocking or other devices required by this section to be fitted, be properly maintained.

Hoists and lifts.

(2) Every hoist or lift shall be thoroughly examined, at least once in every period of six months, by a person approved for the purposes of this section by the Chief Inspector by a certificate in writing, and a report of the result of every such examination in the form, and containing the particulars prescribed by the Commissioner by order, shall be signed by the person making the examination and shall within fourteen days of the completion thereof be entered in or attached to the General Register and a copy posted in or adjacent to the hoist or lift.

(3) 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.

(4) Any such gate as aforesaid shall be fitted with efficient interlocking or other devices to secure that the gate cannot be opened except when the cage or platform is at the landing and that the cage or platform cannot be moved away from the landing until the gate is closed:

Provided that, in the case of a hoist or lift constructed or reconstructed before the coming into operation of this Law which it is not reasonably practicable to fit with such devices as aforesaid, it shall be sufficient if the gate is provided with such arrangements as will secure the aforesaid objects so far as is reasonably practicable, and in any event is kept closed and fastened except when the cage or platform is at rest at the landing.

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

(6) 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 any hoist or lift.

(7) The following additional requirements shall apply to hoists and lifts used for carrying persons, whether together with goods or otherwise:—

- (a) efficient automatic devices shall be provided and maintained to prevent the cage or platform overrunning;
- (b) every cage shall on each side from which access is afforded to a landing, be fitted with a gate, and in connection with every such gate efficient devices shall be provided to secure that, when persons or goods are in the cage, the cage cannot be raised or lowered unless the gate is closed, and will come to rest when the gate is opened:

Provided that, in the case of a hoist or lift constructed or reconstructed before the coming into operation of this Law in connection with which it is not reasonably practicable to provide such devices as aforesaid, it shall be sufficient if such arrangements are provided as will secure the aforesaid objects so far as is reasonably practicable, and in any event the gate is kept closed and fastened except when the cage is at rest or empty; and

- (c) in the case of the hoist or lift constructed after the coming into operation of this Law, where the platform or cage is suspended by rope or chain, there shall be at least two ropes or chains separately connected with the platform or cage, each rope or chain and its attachments being capable of carrying the whole weight of the platform or cage and its maximum working load, and efficient devices shall be provided and maintained which will support the platform or cage with its maximum working load in the event of a breakage of the ropes or chains or any of their attachments.

(8) In the case of a continuous hoist or lift, sub-sections (3) to (7) inclusive, shall not apply and in sub-section (2) for the reference to “six months” there shall be substituted a reference to “twelve months”.

(9) In the case of a hoist or lift not connected with mechanical power—

- (a) sub-sections (4) and (7) shall not apply; and
- (b) every gate provided in pursuance of sub-section (3) shall be kept closed and fastened, except when the cage or platform is at rest at the gate; and
- (c) in sub-section (2) for the reference to “six months” there shall be substituted a reference to “twelve months”.

(10) 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.

(11) Every teagle opening or similar doorway 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 handhold 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.

(12) If it is shown to the satisfaction of the Chief Inspector that it would be unreasonable in the special circumstances of the case to enforce any requirement of this section in respect of any particular hoist, lift, hoistway, liftway, or teagle opening or similar doorway, he may by certificate in writing except from such requirement the particular hoist, lift, hoistway, liftway, or teagle opening or similar doorway.

34.—(1) The following provisions shall be complied with as respects every chain, rope or lifting tackle used for the purpose of raising or lowering persons, goods or materials :—

Chains,
ropes and
lifting
tackle.

- (a) no chain, rope or 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 chain, rope or 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 chains, ropes or lifting tackle are kept, and in prominent positions on the premises, and no chain, rope or lifting tackle not shown in the said table shall be used, so, however, that the foregoing provisions of this paragraph shall not apply in relation to any lifting tackle if the safe 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 chain, rope or 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 chains, ropes and lifting tackle in use shall be tested and thoroughly examined, at least once in every period of six months or at such greater intervals as the Commissioner may direct, by a person approved for the purposes of this section by the Commissioner by certificate in writing, and such person shall, if satisfied with the conditions of the chains, ropes and lifting tackle, issue a certificate to that effect ;
- (e) no chain, rope or 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 person approved by the Commissioner or Chief Inspector for the purposes

- of this section as aforesaid 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 chain and lifting tackle, except a rope sling, shall, unless of a class or description exempted by the Chief Inspector, by certificate published in the *Gazette*, 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, 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 chains and lifting tackle not in regular use need be annealed only when necessary ;
- (g) a register containing the following particulars shall be kept with respect to all such chains, ropes or lifting tackle, except fibre rope slings :—
- (i) name of occupier of factory ;
 - (ii) address and location of factory ;
 - (iii) distinguishing number or mark and description sufficient to identify the chain, rope or lifting tackle ;
 - (iv) date (if after the coming into operation of this Law) when the chain, rope or lifting tackle was first taken into use in the factory ;
 - (v) date of each examination made under paragraph (d) of this sub-section, and the name of the person by whom it was carried out ;
 - (vi) particulars of any defect found at any such examination and affecting the safe working load, and of the steps taken to remedy such defect ;
 - (vii) date and number of the certificate relating to any test and examination made under paragraph (e) of this sub-section together with the name and address of the person who issued the certificate ;
 - (viii) dates of annealing or other heat treatment.

(2) In this section the expression "lifting tackle" means chain slings, rope slings, rings, hooks, shackles and swivels.

35.—(1) All parts and working gear, whether fixed or movable, including the anchoring and fixing appliances, of every lifting machine, shall be of good construction, sound material, adequate strength and free from patent defect, and shall be properly maintained.

(2) All such parts and gear as aforesaid shall be thoroughly examined, at least once in every period of fourteen months, by a person approved for the purposes of this section by the Commissioner by certificate in writing, and a register shall be kept containing the following particulars of every such examination :—

- (i) name of occupier of factory ;
- (ii) address of factory ;

- (iii) distinguishing number or mark (if any) and description sufficient to identify the crane or other lifting machine ;
- (iv) date of each examination made under this sub-section, and name of the person by whom it was carried out ;
- (v) particulars of any defect found at any such examination and affecting the safe working load, and of the steps taken to remedy such defect.

(3) All rails on which a travelling crane moves and every track on which the carriage of a transporter or runway moves shall be of proper size and adequate strength and have an even running surface ; and any such rails or track shall be properly laid, adequately supported or suspended, and properly maintained.

(4) There shall be plainly marked on every lifting machine the safe working load or loads thereof, except that in the case of a jib crane so constructed that the safe working load may be varied by the raising or lowering of the jib, there shall be attached thereto either an automatic indicator of safe working loads or a table indicating the safe working loads at corresponding inclinations of the jib or corresponding radii of the load.

(5) No lifting machine shall, except for the purpose of a test, be loaded beyond the safe working load as marked or indicated under sub-section (4).

(6) No lifting machine shall be taken into use in any factory for the first time in that factory unless—

(a) it has been tested, and all such parts and working gear of the machine as are specified in sub-section (1) have been thoroughly examined, by a person approved by the Commissioner for the purposes of this section by certificate in writing ; and

(b) a certificate of such a test and examination, specifying the safe working load or loads of the machine and signed by the person making the test and examination, has been obtained and is kept available for inspection.

(7) If any person is employed or working on or near the wheeltrack of an overhead travelling crane in any place where he would be liable to be struck by the crane, effective measures shall be taken to ensure that the crane does not approach within six metres of that place.

(8) In this section, the expression “ lifting machine ” means a crane, crab, winch, teagle, pulley block, gin wheel, transporter or runway.

36.—(1) All buildings, floors, steps, stairs, passages and gangways shall be of sound construction, fire-resistant and properly maintained.

(2) For every staircase in a building or affording a means of exit from a building, a substantial hand-rail shall be provided and maintained, which, if the staircase has an open side, shall be on that side, and, in the case of a staircase having two open sides, or in the case of a staircase which, owing to the nature of the construction thereof or the condition of the surface of the steps

Construction and maintenance of floors, passages and stairs.

or other special circumstances, is specially liable to cause accidents, such a hand-rail shall be provided and maintained on both sides. Any open side of a staircase shall also be guarded by the provision and maintenance 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) All ladders shall be soundly constructed and properly maintained.

Safe means
of access and
safe place of
employment.

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

(3) Where any person is to work at a place from which he will be liable to fall a distance more than three metres, then, unless the place is one which affords secure foothold and, where necessary, secure handhold, means shall be provided, so far as is reasonably practicable, by fencing or otherwise for ensuring his safety.

Precautions
in places
where
dangerous
fumes are
liable to be
present.

38.—(1) Where work has to be done inside any chamber, tank, vat, pit, pipe, flue, or other confined space, in which dangerous fumes are liable to be present to such an extent as to involve risk of persons being overcome thereby—

(a) the confined space shall, unless there is other adequate means of egress, be provided with a manhole, which may be rectangular, oval, or circular in shape, and shall be not less than forty-six centimetres long and forty-one centimetres wide or (if circular) not less than forty-six centimetres in diameter, or in the case of tank wagons and other mobile plant not less than forty-one centimetres long and thirty-six centimetres wide or (if circular) not less than forty-one centimetres in diameter; and

(b) no person shall enter the confined space for any purpose unless the following requirements are complied with:—

(i) all practicable steps shall be taken to remove any fumes which may be present and to prevent any ingress of fumes and, unless it has been ascertained by a suitable test that the space is free from dangerous fumes, the person entering shall wear a belt to which there is securely attached a rope of which the free end is held by a person outside; or

(ii) the person entering shall wear a suitable breathing apparatus;

(c) suitable breathing apparatus and a suitable reviving apparatus and suitable belts and ropes shall be provided and maintained so as to be readily accessible, and shall be periodically inspected as the Commissioner may direct; and

(d) a sufficient number of the persons employed shall be trained and practised in the use of such apparatus and in the method of restoring respiration.

(2) No work shall be permitted in any boiler or heater furnace or flue until it has been sufficiently cooled by ventilation or otherwise to make work safe for the persons employed.

39.—(1) Where, in connection with any grinding, sieving, or other process giving rise to dust, there may escape into any workroom dust of such a character and to such an extent as to be liable to explode on ignition, all practicable steps shall be taken to prevent such an explosion by enclosure of the plant used in the process, and by removal or prevention of accumulation of the dust, and by exclusion or effective enclosure of possible sources of ignition.

Precautions with respect to explosive or inflammable dust, gas, vapour or substance.

(2) Where there is present in any plant used in any such process as aforesaid dust of such a character and to such an extent as to be liable to explode on ignition, then, unless the plant is so constructed as to withstand the pressure likely to be produced by any such explosion, all practicable steps shall be taken to restrict the spread and effects of such an explosion by the provision, in connection with the plant, of chokes, baffles and vents, or other equally effective appliances.

(3) Where any part of a plant contains any explosive or inflammable gas or vapour under pressure greater than atmospheric pressure, that part shall not be opened, except in accordance with the following provisions:—

- (a) before the fastening of any joint of any pipe connected with the part of the plant or the fastening of the cover of any opening into the part is loosened, any flow of the gas or vapour into the part or into any such pipe shall be effectively stopped by a stop-valve or otherwise;
- (b) before any such fastening as aforesaid is removed, all practicable steps shall be taken to reduce the pressure of the gas or vapour in the pipe or part of the plant to atmospheric pressure;

and if any such fastening has been loosened or removed as aforesaid, no explosive or inflammable gas or vapour shall be allowed to enter the pipe or part of the plant until the fastening has been secured, or, as the case may be, securely replaced:

Provided that this sub-section shall not apply to plant installed in the open air.

(4) No plant, tank or vessel which contains or has contained any explosive or inflammable substance shall be subjected to any welding, brazing or soldering operation or to any cutting operation which involves the application of heat, until all practicable steps have been taken to remove the substance and any fumes arising therefrom, or to render them non-explosive or non-inflammable; and if any plant, tank, or vessel has been subjected to any such operation as aforesaid, no explosive or inflammable substance shall be allowed to enter the plant, tank or vessel until the metal has cooled sufficiently to prevent any risk of igniting the substance.

(5) The Commissioner may by certificate grant, subject to any conditions specified in the certificate, exemption from compliance

with any of the requirements of the last two foregoing sub-sections in any case where he is satisfied that compliance with the requirement is unnecessary or impracticable.

Steam
boilers.

40.—(1) Every steam boiler and all its fittings and attachments shall be of good construction, sound material, adequate strength and free from patent defect, and shall be properly maintained.

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

(a) shall have attached to it—

(i) a suitable safety valve, (separate from and incapable of being isolated by any stop-valve), which shall be so adjusted as to prevent the boiler being worked at a pressure greater 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 or kilogrammes per square centimetre and have marked upon it, in a distinctive colour, the maximum permissible working pressure ;

(iv) at least one water gauge, of transparent material or other type approved by the Chief Inspector, to show the water level in the boiler, and, if the gauge is of the glass tubular type and the working pressure in the boiler normally exceeds three kilogrammes per square centimetre, the gauge shall be provided with an efficient guard but not so as to obstruct the reading of the gauge ;

(v) where it is one of two or more boilers, a plate bearing a distinctive number which shall be easily visible ; and

(b) shall be provided with means for attaching a test pressure gauge ; and

(c) shall be provided with a suitable fusible plug or an efficient low-water alarm device :

Provided that sub-paragraph (ii) of paragraph (a) of this sub-section shall not apply with respect to economizers, and sub-paragraphs (iii), (iv) and (v) of paragraph (a), and paragraphs (b) and (c), of this sub-section shall not apply with respect to either economizers or superheaters.

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

(4) Every steam boiler attendant shall be properly instructed as to his duties.

(5) 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 or taps 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 or trap on each such boiler is so constructed that it can only be opened by a key which cannot be removed until the valve or tap is closed and is the only key in use for that set of blow-off valves or taps.

(6) No work shall be permitted in any boiler-furnace or boiler-flue until it has been sufficiently cooled by ventilation or otherwise to make work safe for the persons employed.

(7) Every steam boiler and all its fittings and attachments shall be thoroughly examined by an authorized boiler inspector at least once in every period of fourteen months, and also after any extensive repairs:

Provided that—

(a) the person making any such examination may specify in writing a period exceeding fourteen months but not exceeding eighteen months within which the next examination is to be made; and

(b) in the case of any range of boilers used at the date of the passing of this Law for the purposes of a process requiring a continuous supply of steam, any stop-valve on the range which cannot be isolated from steam under pressure need only be examined so far as is practicable without such isolation, but this proviso shall cease to have effect at the expiration of a period of four years from the date of the passing of this Law.

(8) Any examination in accordance with the requirements of the last foregoing sub-section shall consist, in the first place, of an examination of the boiler when it is cold and the interior and exterior have been prepared in the prescribed manner, and secondly, except in the case of an economizer or super-heater, of an examination when it is under normal steam pressure; the examination under steam pressure shall be made as soon as possible after the examination of the boiler when cold, and the person making the examination shall see that the safety valve is so adjusted as to prevent the boiler being worked at a pressure greater than the maximum permissible working pressure.

(9) A report of the result of every such examination, in the prescribed form and containing the prescribed particulars (including particulars of the maximum permissible working pressure), shall, as soon as practicable and in any case within twenty-eight 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.

For the purposes of this sub-section and the succeeding provisions of this section relating to reports of examinations, the examination when it is under steam pressure shall be treated as separate examinations.

(10) No steam boiler which has previously been used shall be taken into use in any factory for the first time in that factory until it has been examined and reported on in accordance with the last three foregoing sub-sections ; and no new steam boiler shall be taken into use unless there has been obtained from an authorized boiler inspector a certificate specifying the maximum permissible working pressure of the boiler 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.

(11) 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.

(12) Any person who, for the purposes of this section, desires that an examination of a steam boiler should be carried out by, and any person who desires to obtain the certificate referred to in sub-section (10) of this section from, any authorized boiler inspector who is an officer of the Government shall notify the Chief Inspector accordingly and, on payment by such person of the prescribed fee, the Chief Inspector shall instruct such an authorized boiler inspector to carry out the said examination, or to carry out the necessary tests with a view to the issue of the said certificate, as the case may be.

(13) In this section—

“authorized boiler inspector” means any person (whether an officer of the Government or not) who is authorized by the the Chief Inspector, by certificate in writing, to carry out examinations of steam boilers in accordance with, and for the purposes of, this section and to issue the certificate referred to in sub-section (10) ;

“maximum permissible working pressure” means in the case of a new steam boiler, that specified in the certificate referred to in sub-section (10) of this section, 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.

(14) This section shall not apply to the boiler of any ship.

Steam
receivers and
steam
containers.

41.—(1) Every steam receiver and all its fittings shall be of good construction, sound material, adequate strength, and free from patent defect, and shall be properly maintained.

(2) Every steam receiver, not so constructed and maintained as to withstand with safety the maximum permissible working pressure of the boiler or the maximum pressure 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 of the receiver being exceeded ; and

- (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 soon as the safe working pressure is exceeded ; and
- (c) a correct steam pressure gauge, which shall indicate the pressure of steam in the receiver in pounds per square inch or kilogrammes per square centimetre ; and
- (d) a suitable stop-valve ; and
- (e) except where only one steam receiver is in use, 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 reducing valve or other appliance to prevent the safe working pressure being exceeded.

(3) For the purpose of the provisions of the last foregoing sub-section, except paragraph (e), 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), and other set of receivers supplied with steam through a single pipe may be treated as one receiver :

Provided that this sub-section 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 said single pipe.

(4) Every steam receiver and all its fittings shall be thoroughly examined by an authorized boiler inspector, 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, in the prescribed form and containing the prescribed particulars (including particulars of the safe working pressure), shall be entered in or attached to the General Register, and the report shall be signed by the person making the examination.

(6) No steam receiver which has previously been used shall be taken into use in any factory for the first time in that factory until it has been examined and reported on in accordance with the last two foregoing sub-sections ; and no new steam receiver shall be taken into use unless there has been obtained from the manufacturer of the receiver, or from an authorized boiler inspector, a certificate specifying the safe working pressure of the receiver, and stating the nature of the tests to which the receiver and fittings have been submitted, and the certificate is kept available for inspection, and the receiver is so marked as to enable it to be identified as the receiver to which the certificate relates.

(7) Any person who, for the purposes of this section, desires that an examination of a steam receiver should be carried out by, and any person who desires to obtain the certificate referred to in sub-section (6) of this section from, any authorized boiler inspector who is an officer of the Government shall notify the Chief Inspector accordingly and, on payment by such person

of the prescribed fee, the Chief Inspector shall instruct such an authorized boiler inspector to carry out the said examination, or to carry out the necessary tests with a view to the issue of the said certificate, as the case may be.

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

(9) In this section—

“authorized boiler inspector” means any person (whether an officer of the Government or not) who is authorized by the Chief Inspector, by certificate in writing, to carry out examinations of steam receivers in accordance with, and for the purposes of, this section and to issue the certificate referred to in sub-section (6) of this section ;

“maximum permissible working pressure” has the same meaning as in section 40 of this Law ;

“safe working pressure” means, in the case of a new steam receiver, that specified in the certificate referred to in sub-section (6) of this section, and, in the case of a steam receiver which has been examined in accordance with the provisions of this section, that specified in the report of the last examination.

Air
receivers.

42.—(1) Every air receiver shall—

- (a) have marked upon it, so as to be plainly visible, the safe working pressure ; and
- (b) in the case of a receiver 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 receiver being exceeded ; and
- (c) be fitted with a suitable safety valve so adjusted to permit the air to escape as soon as the safe working pressure is exceeded ; and
- (d) be fitted with a correct pressure gauge indicating the pressure in the receiver ; and
- (e) be fitted with a suitable appliance for draining the receiver ; and
- (f) be provided with a suitable manhole, handle or other means which will allow the interior to be thoroughly cleaned ; and
- (g) in a case where more than one receiver is in use in the factory, bear a distinguishing mark which shall be easily visible.

(2) For the purposes of the provisions of the foregoing sub-section relating to safety valves and pressure gauges, any set of air receivers supplied with air through a single pipe may be treated as one receiver :

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 sub-section shall not apply unless the valve or appliance is fitted on the said single pipe.

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

(4) Where the air receiver is used for providing air for ventilation purposes the intake of air to any air compressing plant to which the air receiver is connected shall be from an open space.

(5) Every air receiver shall be thoroughly cleaned and examined at least once in every period of twenty-six months :

Provided that in the case of a receiver of solid drawn construction—

(a) the person making any such examination may specify in writing a period exceeding twenty-six months but not exceeding four years within which the next examination is to be made ; and

(b) if it is so constructed that the internal surface cannot be thoroughly examined, a suitable hydraulic test of the receiver shall be carried out in lieu of internal examination.

Every such examination and test shall be carried out by an approved 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 be entered in or attached to the General Register, and the report shall be signed by the person making the examination or test.

(6) In this section “ approved person ” means any person who is approved by the Commissioner, by certificate in writing, for the purpose of carrying out examinations and tests of air receivers in accordance with, and for the purposes of, this section.

43. The Chief Inspector may, by certificate, except from any of the last three preceding sections of this Law any class or type of steam boiler, steam receiver, steam container or air receiver to which he is satisfied that such provision cannot reasonably be applied. Any such exception may be unqualified or may be subject to such conditions as may be contained in the notice.

Exceptions of steam boilers, steam receivers, and steam containers, and air receivers.

44.—(1) No premises shall be used as a factory unless such premises have been certified by an Inspector as being provided with adequate fire-fighting equipment and 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 on conviction thereof to a fine not exceeding fifty pounds and if the contravention in respect of which he was so convicted is continued after the conviction he shall (subject to the provisions of section 96 of this Law) be guilty of a further offence and liable in respect thereof to a fine not exceeding five pounds for each day on which the offence was so continued.

Means of escape in case of fire.

It shall be the duty of the Inspector to examine every 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 Inspector 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.

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

(3) In the case of a factory constructed or converted for use as a factory before the commencement of this Law 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 Law and the grant or refusal of a certificate by the Inspector after examining the factory under this section, and if the Inspector 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 Inspector.

(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 Inspector of the proposal.

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

(6) The occupier shall, within the period specified in any notice of the Inspector under this section, carry out any alterations required by the notice, and upon their being carried out to the satisfaction of the Inspector shall amend the certificate or issue a new certificate; and if the alterations are not so carried out, the Inspector shall, without prejudice to the taking of other proceedings, cancel the certificate.

(7) If the occupier of any factory is aggrieved by the refusal of the Inspector to grant a certificate under this section or by being required by the Inspector under this section to carry out any alterations at the factory or by the cancellation of a certificate, he may appeal by way of complaint, within twenty-one days of the refusal, notice of requirement, or cancellation, to a District Court, 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 Inspector.

(8) If it appears to an Inspector that the conditions in regard to escape in case of fire in any factory 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 may, in lieu of serving a notice on the occupier of the factory under the foregoing provisions of this section, make a complaint to a District Court 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 amend any certificate in force under this section in respect of the factory, or issue a new certificate, as the case may require.

(9) The Commissioner may make rules as to the means of escape in case of fire to be provided in factories or any class or description of factory.

45.—(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.

Safety provisions in case of fire.

(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 commencement of this Law, 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 hereafter in this sub-section 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 distinctively and conspicuously marked by a notice printed in red letters of an adequate size. All such notices shall be in such form and in English and such other language as the Inspector may direct.

(6) All stocks of highly inflammable substance shall be kept either in a fire-resisting store or in a safe place outside any occupied building :

Provided that no such store as aforesaid shall be so situated as to endanger the means of escape from the factory or from any part thereof in the event of fire occurring in the store.

(7) 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.

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

(9) In every factory effective steps shall be taken to ensure that all the persons employed are familiar with the means of escape in case of fire, and with the routine to be followed in case of fire.

Prevention of fires and safety provisions in case of fire ; additional provision.

46. Without prejudice to the generality of the provisions in the last two preceding sections, all necessary measures for prevention of fire and safety provisions in case of fire shall be in accordance with conditions to be specified by the Chief Inspector in each particular case and no certificate for registration of the factory shall be issued unless such conditions are complied with.

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

47.—(1) If on complaint by an Inspector a court is satisfied either—

(a) that any part of the ways, works, machinery, or plant used in a factory is in such condition or is so constructed or is so placed that it cannot be used without risk of bodily injury ; or

(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,

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 ; or

(ii) require the occupier of the factory to take such steps as may be specified in the order for remedying the danger complained of.

(2) Where a complaint is or has been made under the last foregoing sub-section, 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, 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.

(3) In the event of a contravention, in relation to any factory, of an order of a court made under this section, the occupier of the factory shall be guilty of an offence and liable on conviction thereof to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both such penalties, and if the contravention in respect of which he was so convicted is continued after the conviction, he shall be guilty of a further offence and liable in respect thereof to a fine not exceeding five pounds, or to imprisonment for a term not exceeding seven days, or to both such penalties, for each day on which the offence was so continued.

48.—(1) A court may, on complaint by an Inspector, and on being satisfied that any factory or part of a factory is in such a condition, or is so constructed or placed, that any process or work carried on therein, or intended to be carried on therein, cannot be so carried on with due regard to the safety, health and welfare of the persons employed, by order prohibit the use thereof for the purpose of that process of work.

Power of court to make orders as to dangerous factory.

(2) An order made by a court under this section may—

- (a) prohibit the carrying on of any process or work either indefinitely, or until such steps have been taken as may be specified in the order to enable the process or work to be carried on with due regard to the safety, health and welfare of the persons employed; and
- (b) be revoked or varied on the application by way of complaint of the occupier or owner of the factory:

Provided that, on any such application as aforesaid, an Inspector shall be entitled to be heard.

(3) If any process or work is carried on in a factory or part of a factory in contravention of an order of a magistrate's court made under this section, the occupier of the factory shall be guilty of an offence and liable on conviction thereof to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months, or to both such penalties, and if the contravention in respect of which he was so convicted is continued after the conviction, he shall be guilty of a further offence and liable in respect thereof to a fine not exceeding five pounds, or to imprisonment for a term not exceeding seven days, or to both such penalties, for each day on which the offence was so continued.

49. Any person (including an Inspector) aggrieved by an order made by a court on determining a complaint under the last two foregoing sections may appeal therefrom to a judge of the Supreme Court, whose decision shall be final.

Appeal from orders made on complaint.

PART VI.—WELFARE (GENERAL PROVISIONS).

Supply of
drinking
water.

50.—(1) There shall be provided and maintained at suitable points conveniently accessible to all persons employed an adequate supply of wholesome drinking water from a public main or from some other source approved in writing by the Medical Officer for the District within which the factory is situated.

(2) A supply of drinking water which is not laid on shall be contained in suitable vessels, and shall be renewed at least daily, and all practicable steps shall be taken to preserve the water and vessels from contamination; and a drinking water supply, whether laid on or not, shall, in such cases as an Inspector may direct, be clearly indicated by a notice in English and such other language as the Inspector may require.

(3) Except where the water is delivered in an upward jet from which the employed persons can conveniently drink, one or more suitable cups or drinking vessels shall be provided at each point of supply with facilities for rinsing them in drinking water.

Washing
facilities.

51.—(1) There shall be provided and maintained for the use of employed persons adequate and suitable facilities for washing which shall include soap and clean towels or other suitable means of cleaning or drying and the facilities shall be conveniently accessible and shall be kept in a clean and orderly condition.

(2) If the Chief Inspector so directs, a supply of hot water shall be provided.

(3) The Chief Inspector may, by certificate in writing, except from any of the requirements of sub-section (1) any factory where, by reason of the difficulty of obtaining an adequate supply of water, or of the fact that accommodation is restricted and adequate and suitable washing facilities are otherwise conveniently available, or by reason of such other special circumstances as may be specified in the certificate, the application of the requirement would in his opinion be unreasonable.

(4) The Governor-in-Council may by regulations prescribe, either generally or as respects any class or description of factory or as respects the person employed in any process a standard of adequate and suitable washing facilities.

Accommo-
dation for
clothing.

52. There shall be provided and maintained for the use of employed persons adequate and suitable accommodation for clothing not worn during working hours and such arrangements as are reasonable shall be made for drying such clothing.

Facilities for
sitting.

53. There shall be provided and maintained, for the use of all female workers whose work is done standing, suitable facilities of sitting sufficient to enable them to take advantage of any opportunities for resting which may occur in the course of their employment.

First-aid.

54.—(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 Commissioner by order, 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 purposes 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. Where the persons employed are employed in shifts, the calculation of the number employed shall be according to the largest number at work at any one time.

(2) Nothing except appliances or requisites for first-aid shall be kept in a first-aid box or cupboard.

(3) Each first-aid box or cupboard shall be placed under the charge of a responsible person who shall, in the case of a factory where more than fifty persons are employed, be trained in first-aid treatment, and the person in charge shall always be readily available during working hours. A notice shall be affixed in every work-room stating the name of the person in charge of the first-aid box or cupboard provided in respect of that room.

(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 Chief Inspector may by certificate in writing exempt the factory from the requirements of this section to such extent and subject to such conditions as he may specify in the certificate.

55.—(1) The Governor-in-Council may make regulations requiring such steps to be taken in connection with securing the welfare of persons employed in any factory as may be specified in such regulations. Such regulations—

Welfare regulations.

(a) may be made for any particular factory, or for factories of any class or description, or for any class of persons employed in any factory ;

(b) may relate to the matters dealt with in the foregoing provisions of this part of this Law ;

(c) may in particular require—

(i) the provision of accommodation for drying clothing not worn during working hours ;

(ii) the provision for the use of employed persons of suitable facilities for sitting during the course of their employment ;

(iii) the provision and maintenance so as to be readily accessible of first-aid equipment ; and

(iv) the provision and maintenance of such other arrangements as appear to him to be necessary, including canteens, messrooms, rest rooms, welfare supervision.

(2) The Governor-in-Council may make regulations prescribing the standards to be achieved in respect to the regulations referred to in sub-section (1) and the methods of obtaining them.

PART VII.—HEALTH, SAFETY AND WELFARE (SPECIAL PROVISIONS AND RULES).

56.—(1) 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 and to such extent as to be likely to be injurious or offensive to the persons employed, or any

Removal of dust or fumes.

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.

(2) No stationary internal combustion engine shall be used unless—

- (a) provision is made for conducting the exhaust gases from the engine into the open air; and
- (b) the engine (except when used for the purpose of being tested) is so partitioned off from any workroom or part of a workroom, in which persons are employed other than persons attending to the engine, as to prevent any injurious fumes from the engine entering the air of the room or part of the room.

Meals in
certain
dangerous
trades.

57.—(1) Where in any room lead, arsenic or other poisonous substance is so used as to give rise to any dust or fume, a person shall not be permitted to partake of food or drink in that room or to remain in that room during the intervals allowed to him for meals or rest other than intervals allowed in the course of a spell of continuous employment.

(2) Where in any room a process is carried on being a process which gives rise to siliceous dust or asbestos dust, a person shall not be permitted to remain in that room during the intervals allowed to him for meals or rest other than intervals allowed in the course of a spell of continuous employment.

(3) Suitable provision shall be made for enabling the persons employed in any such room as is mentioned in the last two foregoing sub-sections to take their meals elsewhere in the factory.

(4) Where it appears to the Commissioner that, by reason of the nature of any process, it is injurious to health or otherwise undesirable to take meals in rooms where that process is carried on, or to remain therein during the intervals allowed for meals or rest, he may, if he thinks fit, extend all or any of the provisions of sub-sections (1) and (2) of this section to rooms where that process is carried on.

Protective
clothing and
appliances.

58.—(1) Where in any factory workers are employed in any process involving excessive exposure to wet or to any injurious or offensive substance, suitable protective clothing and appliances, including, where necessary, suitable gloves, footwear, goggles and head coverings, shall be provided and maintained for the use of such workers.

(2) No person engaged in close proximity to moving machinery shall wear or be permitted to wear loose outer clothing and in the case of females they shall wear their hair in a cap or net to be provided and maintained by the employer.

59. In the case of any such process as may be specified by the Commissioner, being a 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, in accordance with any directions given by the Commissioner, be provided to protect the eyes of the persons employed in the process.

Protection of eyes in certain processes.

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

Prohibition of use of white phosphorus in manufacture of matches.

(2) For the purposes of this part of this Law the expression "white phosphorus" means the substance usually known as white or yellow phosphorus.

61.—(1) It shall not be lawful for any person to sell or to offer or expose for sale or to have in his possession for the purposes of sale any matches made with white phosphorus.

Prohibition of introduction and sale of matches made with white phosphorus.

(2) It shall not be lawful to introduce or attempt to introduce into Cyprus matches made with white phosphorus.

(3) Any person contravening the provisions of this section or of sub-section (1) of section 60 shall be guilty of an offence under this section and shall upon conviction be liable to a fine not exceeding ten pounds, and all white phosphorus or matches made with white phosphorus found in the possession of or under the control of such person may be seized by any customs officer or police officer and may be forfeited and destroyed by order of a court.

62. The Governor-in-Council may make regulations to secure the health and welfare of workers employed in any factory in which atmospheric humidity is artificially produced by steaming or other means in connection with any textile process.

Humid factories.

63.—(1) No work shall be carried on in any underground room (not being an underground room used only for storage purposes) which is certified by the Chief Inspector to be unsuitable for the purposes as regards construction, height, light or ventilation, or on any hygienic ground, or on the ground that adequate means of escape in case of fire are not provided.

Underground rooms.

(2) In this section the expression "underground room" means any room which, or any part of which, is so situated that half or more than half the whole height thereof, measured from the floor to the ceiling, is below the surface of the adjoining street or of the ground adjoining or nearest to the room.

64. In every laundry effective steps shall be taken to regulate the temperature in every ironing room and to carry away the steam in every washhouse and all stoves for heating irons shall be so separated from any ironing room or ironing table so as to protect the workers from the heat thereof.

Laundries.

65. The Commissioner may make rules prescribing the maximum weights which may be lifted, carried or moved by persons employed in factories; and any such rules may prescribe different weights in different circumstances and may relate either to persons or to persons employed in any class or description of factory or in any process.

Lifting excessive weights.

Power to make special regulations for safety, health and welfare.

66.—(1) Where the Governor-in-Council is satisfied that any manufacture, machinery, plant, equipment, appliance, process or description of manual labour, used in factories is of such nature as to cause risk of bodily injury to the persons employed, or any class of those persons, he may, subject to the provisions of this Law, make such special regulations as appear to him to be reasonably practicable and to meet the necessity of the case.

(2) Special regulations 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; or
- (b) prohibit, limit, or control the use of, any material or process; or
- (c) modify or extend with respect to any class or description of factory any provisions of Part IV, Part V, Part VI or this Part of this Law, being provisions imposing requirements as to health, safety or welfare;

and may impose duties on owners of factories, employed persons and other persons as well as on occupiers of factories.

(3) Special regulations so made may apply to all factories in which the manufacture, machinery, plant, process, or description of manual labour, is used or to any specified class or description of such factories, and may provide for the exemption of any specified class or description of factory either absolutely or subject to conditions.

Power to take samples.

67.—(1) An Inspector may at any time after informing the occupier of a factory or, if the occupier is not readily available, a foreman or other responsible person in the factory, 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 suspects a contravention of any rule or regulation made under this Part of this Law or which, in his 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 work 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, if so required, be carried out by the Government Analyst.

(3) A certificate purporting to be a certificate by the Government Analyst as to the result of an analysis of a sample under this section shall, in any proceedings under this Law, 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 Law, 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 sub-section, he shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such penalties.

PART VIII.—SPECIAL APPLICATIONS AND EXTENSIONS.

68.—(1) Where a part of a building is let off as a separate factory, the provisions of this Law hereafter in this sub-section mentioned shall apply to any part of the building used for the purposes of the factory but not comprised therein, that is to say :—

Premises where part of building is separate factory.

- (a) the provisions of Part IV with respect to cleanliness and lighting ;
- (b) the provisions of Part V with respect to prime movers, transmission machinery, hoists and lifts, chains, ropes and lifting tackle, cranes and other lifting machines, safe means of access and safe place of employment, steam boilers, steam receivers and steam containers, and air receivers (including the provisions as to exceptions as to steam boilers, steam receivers and steam containers, and air receivers) ;
- (c) the provisions of Part V with respect to the power of a court to make orders as to dangerous conditions and practices and as to dangerous factories,

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 IV of this Law with respect to sanitary conveniences and of the provisions of Part V of this Law with respect to hoists and lifts, prevention of fire, and safety provisions in case of fire, and, for the purposes of the provisions with respect to prevention 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 of the building 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 relating to hoists and lifts, chains, ropes and lifting tackle, lifting machines, steam boilers, steam receivers and steam containers, air receivers, prevention of fire and safety provisions in case of fire, only in so far as the said provisions relate to matters within his control ; and the occupier of the factory shall, in any case, be responsible for any contravention (whether as respects the factory or otherwise) of any of the said provisions with respect to any machinery or plant belonging to or supplied by him.

(2) In sections 47 and 48 of this Law, as they apply in relation to the factory and as they are applied by the foregoing sub-section, references to the occupier shall be taken as references to the occupier of the factory or to the owner of the building, according to which of them is responsible in respect of the matters complained of.

(3) For the purposes of the provisions applied by sub-section (1) of this section, lifting machines attached to the outside of the building, and chains, ropes and lifting tackle used in connection with those machines, shall be treated as being in the building, but any lifting machine not used for the purposes of the factory, and any chains, ropes or lifting tackle not used in connection with a lifting machine so used, shall be disregarded.

(4) Where, under sub-section (1) of this section, any provision is applied containing a reference to the General Register, then, in relation to matters in respect of which the owner of the building is responsible, that reference shall be taken as a reference to a register to be kept by him, and sub-section (2) of section 79 of this Law shall apply in relation to any such register as if the owner were the occupier of a factory.

Application
of Law to
electrical
stations.

69.—(1) The provisions of this Law shall apply to any premises in which persons are regularly employed in, 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 Law hereafter in this sub-section mentioned shall 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, that is to say :—

- (a) Part I ;
- (b) Part II ;
- (c) the provisions of Part VII with respect to the Commissioner's directions for safety and health ;
- (d) the provisions of Part X with respect to powers and duties of Inspectors, powers of the Commissioner and regulations, rules and orders, made under this Law ;
- (e) Part XI.

(3) The Commissioner may by rules apply any of the provisions of this Law mentioned in sub-section (2) to any machinery, or plant, used elsewhere than in premises mentioned in that sub-section or in sub-section (1), being machinery or plant used in the

aforesaid processes or operations and for such supply as aforesaid, as if the machinery or plant were machinery or plant in a factory and the employer of any person employed in connection with any such use of the machinery or plant were the occupier of a factory.

(4) Sub-sections (1) and (2) shall not, except in so far as the Commissioner may by rules 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 similar 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 Law to factories within the meaning of that definition.

70. The provisions of this Law hereafter in this section mentioned shall apply to any premises (not being premises forming part of a factory) in which a steam boiler is used, as if the premises were a factory and as if the person having the actual use or occupation of the premises were the occupier of the factory, that is to say :—

Application of Law to premises in which steam boilers are used.

- (a) Part I ;
- (b) Part II ;
- (c) the provisions of Part V with respect to prime movers, transmission machinery, other machinery, unfenced machinery, construction and maintenance of fencing, construction and sale of new machinery, and with respect to steam boilers (including the provisions as to exceptions, as to steam boilers) so, however, that the owner of the boiler shall, instead of the person deemed to be the occupier, be responsible for any contravention of the said provisions in so far as they relate to matters within his control ;
- (d) the provisions of Part V with respect to the power of a court to make orders as to dangerous conditions and practices ;
- (e) the provisions of this Part with respect to premises where part of a building is a separate factory, subject to such modifications as may be made by rules made by the Commissioner ;
- (f) the provisions of Part IX with respect to General Registers (so far as applicable), preservation of registers and records, and duties of persons employed ;
- (g) the provisions of Part X with respect to powers and duties of inspectors, powers of the Commissioner and with respect to rules and orders made under this Law ;
- (h) Part XI.

Application of Law to premises in which hoists and lifts are used.

71. The provisions of this Law hereafter in this section mentioned shall apply to any premises (not being premises forming part of a factory) in which a hoist or lift is used, as if the premises were a factory and as if the person having the actual use or occupation of the premises were the occupier of the factory, that is to say :—

- (a) Part I ;
- (b) Part II ;
- (c) the provisions of Part III with respect to prime movers, transmission machinery, other machinery, unfenced machinery, construction and maintenance of fencing, construction and sale of new machinery, and with respect to hoists and lifts, so, however, that the owner of the hoist or lift shall, instead of the person deemed to be the occupier, be responsible for any contravention of the said provisions in so far as they relate to matters within his control ;
- (d) the provisions of Part V with respect to the power of a court to make orders as to dangerous conditions and practices ;
- (e) the provisions of this Part with respect to premises where part of a building is a separate factory, subject to such modifications as may be made by rules made by the Commissioner ;
- (f) the provisions of Part IX with respect to preservation of registers and records, and duties of persons employed ;
- (g) the provisions of Part X with respect to powers and duties of Inspectors, powers of the Commissioner and regulations, rules and orders made under this Law ;
- (h) Part XI.

Institutions.

72. 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 Law shall apply to those premises as if they were a factory and the person having the control of the institution were the occupier thereof.

Application of Law to docks, wharves and quays.

73.—(1) The provisions of this Law hereafter in this subsection mentioned shall apply to every dock, wharf or quay as if it were a factory, and as if the person having the actual use or occupation of the dock, wharf or quay were the occupier of a factory, that is to say—

- (a) Part I ;
- (b) Part II ;
- (c) the provisions of Part V with respect to steam boilers (including the provisions as to exceptions to steam boilers) so, however, that the owner of the boiler shall, instead of the person deemed to be the occupier, be responsible for any contravention of the said provisions ;

- (d) the provisions of Part V with respect to the power of a court to make orders as to dangerous conditions and practices ;
- (e) the provisions of Part VII with respect to the Commissioner's directions for health, safety and welfare ;
- (f) the provisions of Part IX with respect to the abstract of this Law, rules and notices, General Registers (so far as applicable), and preservation of registers and records, subject to such modifications as may be made by rules made by the Commissioner, and the provisions of the said Part IX with respect to duties of persons employed, and the prohibition of deductions from wages ;
- (g) the provisions of Part X with respect to powers and duties of Inspectors and to regulations, rules and orders made under this Law ;
- (h) Part XI ;
- (i) Part XII.

(2) Subject as hereafter in this sub-section provided, the provisions of this Law mentioned in paragraphs (b), (d), (e), (f), (g), (h) and (i) of the foregoing sub-section shall apply to the processes of loading, unloading or coaling of any ship in any dock or harbour, 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 Law mentioned in the said paragraphs (c) and (d) shall not apply in relation to any such machinery or plant which is on board a ship and is the property of the ship owner.

For the purposes of this sub-section, the expression "plant" includes any gangway or ladder used by any person employed to load or unload or coal a ship.

74.—(1) Subject as hereafter in this section provided, the provisions of this Law hereafter 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 :—

Ships.

- (a) Part I ;
- (b) Part VI ;
- (c) the provisions of Part IX 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 ;
- (d) the provisions of Part X with respect to powers and duties of inspectors, powers of the Commissioner and regulations, rules and orders made under this Law ;
- (e) 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 Law 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.

Building
operations.

75.—(1) Subject as hereafter in this section provided, the provisions of this Law hereafter in this sub-section mentioned shall apply to building operations 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) Part I ;
- (b) Part II ;
- (c) Part III ;
- (d) the provisions of Part IV with respect to sanitary conveniences ;
- (e) the provisions of Part V with respect to steam boilers and air receivers (including the provisions as to exceptions as to steam boilers and air receivers), and the power of a court to make orders as to dangerous conditions and practices ;
- (f) Part VI ;
- (g) the provisions of Part VII with respect to Commissioner's directions for safety and health ;
- (h) the provisions of Part IX with respect to the abstract of this Law and with respect to notices, rules, General Registers (so far as applicable), preservation of registers and records, duties of persons employed and the prohibition of deductions from wages ;
- (i) the provisions of Part X with respect to powers and duties of inspectors, powers of the Commissioner and regulations, rules and orders made under this Law ;
- (j) Part XI.

(2) The provisions of this Law in their application to building operations shall have effect as if any place where such operations are carried on were a factory, and any person undertaking any such operations to which this Law applies were the occupier of a factory, and with such other adaptations or modifications as may be made by rules made by the Commissioner :

Provided that such of the provisions of this Law as require General Registers to be kept, and copies of the prescribed abstract of this Law, and copies of rules, or the prescribed abstract of rules, to be kept posted on the premises, shall be deemed to be complied with as respects building operations if the General Register is kept at an office of the person undertaking the building operations and copies of the Abstract of this Law, and copies of the rules or abstract thereof, are kept posted at each office, yard, or shop, of the person undertaking the operations at which persons employed by him on the operations attend and in a position where they can easily be read by such persons.

(3) Any person undertaking any building operations to which this Law applies shall, not later than seven days after the beginning thereof, serve on an Inspector a written notice stating the name

and postal address of the person so undertaking the operations, the place and nature of the operations, whether any mechanical power is used and, if so, its nature, and such other particulars as may be prescribed by rules made by the Commissioner :

Provided that—

- (a) this sub-section shall not apply to any operations which the person undertaking them has reasonable grounds for believing will be completed in a period of less than six weeks ; and
- (b) where a person undertakes any building operations in a place where such operations are in progress, he shall not be required to give such a notice as aforesaid if a notice was given in respect of the operations in progress.

76.—(1) Subject as hereafter in this section provided, the provisions of this Law hereafter in this sub-section mentioned shall apply to 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 :—

Works of
engineering
construction.

- (a) Part I ;
- (b) Part II ;
- (c) Part III ;
- (d) the provisions of Part IV with respect to sanitary conveniences ;
- (e) the provisions of Part V with respect to steam boilers and air receivers (including the provisions as to exceptions to steam boilers and air receivers), and the power of a court to make orders as to dangerous conditions and practices ;
- (f) Part VI ;
- (g) the provisions of Part VII with respect to Commissioner's directions for safety and health ;
- (h) the provisions of Part IX with respect to the abstract of this Law and with respect to notices, rules, General Registers (so far as applicable), preservation of registers and records, duties of persons employed and the prohibition of deductions from wages ;
- (i) the provisions of Part X with respect to powers and duties of inspectors, powers of the Commissioner and regulations, rules and orders made under this Law ;
- (j) Part XI :

Provided that no order made under the provisions of this Law with respect to the power of a court to make orders as to dangerous conditions and practices, and no rules made under Part VII of this Law, shall operate so as to interfere with the design of any works of engineering construction or 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.

(2) The provisions of this Law in their application to works of engineering construction shall have effect as if any place where such works are carried on were a factory and any person undertaking any such works to which this Law applies were the occupier of a factory, and with such other adaptations and modifications as may be made by rules made by the Commissioner :

Provided that such of the provisions of this Law as require General Registers to be kept, and copies of the prescribed abstract of this Law, and copies of rules, or the prescribed abstract of rules, to be kept posted on the premises, shall be deemed to be complied with as respects works of engineering construction if the General Register is kept at an office of the person undertaking the works and copies of the abstract of this Law, and copies of the rules or abstract thereof, are kept posted at each office, yard, or shop, of the person undertaking the works at which persons employed by him on the works attend and in a position where they can easily be read by such persons.

(3) Any person undertaking any works of engineering construction to which this Law applies shall, not later than seven days after the beginning thereof, serve on an Inspector a written notice stating the name and postal address of the person so undertaking the works, the place and nature of the works, whether any mechanical power is used, and, if so, its nature, and such other particulars as may be prescribed by rules made by the Commissioner :

Provided that—

- (a) this sub-section shall not apply to any works which the person undertaking them has reasonable ground for believing will be completed in a period of less than three weeks ; and
- (b) if a person undertakes any works of engineering construction in a place where such works are in progress, he shall not be required to give such a notice as aforesaid if a notice was given in respect of the works in progress.

PART IX.—MISCELLANEOUS.

77. In this part of this Law, the expression “ prescribed ” means prescribed by the Commissioner by order.

78.—(1) There shall be kept posted in a prominent position in every factory—

- (a) the prescribed Abstract of this Law ; and
- (b) a notice of the address of the Chief Inspector and of the nearest labour office ; and
- (c) printed copies of any rules made under Part VII of this Law which are for the time being in force in the factory, or the prescribed Abstract of such rules ; and
- (d) every other notice and document required by this Law to be posted in the factory.

(2) All such documents shall be in English and in Greek or Turkish or both Greek and Turkish as an Inspector may direct and, if a form has been prescribed for any document, it shall be posted in that form.

Interpretation.

Posting of abstract of Law, rules and notices.

79.—(1) There shall be kept in every factory a register, in the prescribed form, called the General Register, and there shall be entered in or attached to that register—

General Registers.

- (a) the certificate of registration of the factory ; and
- (b) every other certificate issued in respect of the factory by the Inspector under the provisions of this Law ; and
- (c) the prescribed particulars as to the washing, whitewashing or colourwashing, painting or varnishing, of the factory ; and
- (d) the prescribed particulars as to every accident and case of occupational disease occurring in the factory of which notice is required to be sent to an Inspector under the provisions of any Law for the time being in force in the Colony ; and
- (e) all reports and particulars required by any other provision of this Law to be entered in or attached to the General Register ; and
- (f) such other matters as may be prescribed.

(2) 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 duties under this Law.

80. The General Register and every other register or record kept in pursuance of this Law shall be preserved and shall be kept available for inspection by any Inspector for at least two years, or such other period, if any, 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.

Preservation of registers and records.

81.—(1) The occupier of every factory, or of any place to which any of the provisions of this Law apply, shall, if so required by the Commissioner send to the Inspector, at such intervals and on or before such days as may be specified in the order, a correct return showing, with respect to such day or days, or such period, as may be specified in the order, the number of persons employed in the factory or place and giving such particulars as to such other matters as the order may require.

Periodical return of persons employed.

(2) The Commissioner may, for the purpose of facilitating the rendering of returns by occupiers under the provisions of this section, arrange for the consolidation of those returns with any other returns required from occupiers under the provisions of any other law for the time being in force in the Colony.

82. The Governor-in-Council may make regulations to facilitate the protection of persons employed outside a factory by the occupier of the factory in the business of the factory.

Protection of out-workers.

83.—(1) No person employed in a factory or in any other place to which any provisions of this Law apply shall wilfully interfere with or misuse any means, appliance, convenience or other thing provided in pursuance of this Law for securing the health, safety or welfare of the persons employed in the factory or

Duties of persons employed.

place, and where any means or appliance for securing health or safety is provided for the use of any such person under this Law, he shall use that means or appliance.

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

Prohibition of deductions from wages.

84. The occupier of a factory shall not, in respect of anything to be done or provided by him in pursuance of this Law, make any deduction from the sum contracted to be paid by him to any person employed, or receive, or allow any person in his employment to receive, any payment from any such person.

Appeal to Governor-in-Council.

85. Save as is otherwise in this Law expressly provided, any person, if dissatisfied with any order, decision or direction of the Commissioner or Chief Inspector, issued or given under this Law or any regulations made thereunder, may appeal to the Governor-in-Council within ten days from the day when such order, decision or direction was given or communicated to him.

PART X.—ADMINISTRATION.

Responsibility of Commissioner and appointment of Inspectors.

86.—(1) The Commissioner shall be responsible for the administration of this Law, except in so far as the Governor may impose certain duties on other Government officers.

(2) The Governor may appoint such Inspectors, under whatever title he may from time to time determine, and such other officers as he thinks necessary for the execution of this Law, and may appoint a Chief Inspector, who may regulate the cases and manner in which the Inspectors, or any of them, are to execute and perform the powers and duties of inspection under this Law and may remove such Inspectors and other officers.

(3) All Inspectors and other officers appointed under the provisions of sub-section (2) shall be provided with credentials.

Powers of Inspectors.

87. An Inspector shall, for the purpose of the execution of this Law, have power to do all or any of the following things, that is to say :—

- (a) to enter, inspect and examine, by day or by night, a factory, and every part thereof, when he has reasonable cause to believe that any person is employed therein, and to enter, inspect and examine, by day, any place which he 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 has reasonable cause to believe that explosive or highly inflammable materials are stored or used ;
- (b) to take with him a police officer if he has reasonable cause to apprehend any serious obstruction in the execution of his duty ;
- (c) to require the production of the registers, certificates, notices and documents, kept in pursuance of this Law and to inspect, examine and copy any of them ;

- (d) to make such examination and inquiry, at frequent intervals, as may be necessary, to ascertain whether the provisions of this Law are complied with, so far as respects a factory and any persons employed in a factory ;
- (e) to require any person whom he finds in a factory to give such information as it is in his power to give as to who is the occupier of the factory ;
- (f) to examine, either alone or in the presence of any other person, as he thinks fit, with respect to matters under this Law, every person whom he finds in a factory or whom he has reasonable cause to believe to be or to have been within the preceding three months employed in a factory, and to require every such person to be so examined and to sign a declaration of the truth of the matters respecting which he 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 ;
- (g) in the case of an Inspector who is a duly qualified medical practitioner, to carry out such medical examinations as may be necessary for the purposes of his duties under this Law ;
- (h) to exercise such other powers as may be necessary for carrying this Law into effect ;
- (i) to ensure that workers and their representatives are afforded every facility for communicating freely with the Inspector.

88. The occupier of every factory, his 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 powers under this Law in relation to that factory.

Duty to furnish means for inspection.

89. If any person, who, in pursuance of powers conferred by this Law 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 in a factory or place with regard to any manufacturing process or trade secret, he shall, unless such disclosure was made in the performance of his duty, be guilty of an offence and liable to a fine not exceeding one hundred pounds or imprisonment for a term not exceeding three months or to both such punishments.

Penalty for disclosure of trade secrets.

90. Any certificate issued under or for the purposes of this Law by the Commissioner or Chief Inspector or an Inspector for a district or region may be issued for a limited period or without limit of period and may be carried or revoked by the Commissioner or the Chief Inspector, as the case may be, or his successor in office.

Provision as to certificates.

91.—(1) The Director of Medical Services may appoint medical practitioners to be examining physicians for any of the purposes of this Law and may revoke any such appointments.

Appointment and duties of examining physicians.

(2) The examining physician shall have power at all reasonable times to inspect the General Register of any factory.

(3) An examining physician 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 physician for that factory :

Provided that the Director of Medical Services 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 physician for that factory for the purpose of examining and certifying the fitness of young persons.

(4) An examining physician shall, if so directed by the Director of Medical Services, make such special inquiry and examination of employed persons as may be directed.

(5) Every examining physician shall in each year make at the prescribed time a report in the prescribed form to the Director of Medical Services as to examinations made and other duties performed by him in pursuance of this Law.

(6) The Director of Medical Services may make rules :—

(a) regulating the duties of examining physicians,

(b) fixing the fees to be paid to examining physicians.

Power of
Inspector to
conduct
proceedings
before a
court.

92.—(1) An Inspector may, although he is not an advocate, prosecute, conduct or defend before a court any charge, information, complaint or other proceeding arising under this Law, or in the discharge of his duty as an Inspector.

(2) It shall not be an objection to the competency of an Inspector to give evidence as a witness in any prosecution for an offence against this Law that the prosecution is brought at his instance or conducted by him.

Provisions
as to regu-
lations, rules
or orders
made under
this Law.

93. Any regulations, rules and order made under this Law may be made for a limited period or without limit of period and may be made subject to such conditions as the authority or person which or who made the regulations, rules or order thinks fit, and may contain such supplemental and consequential provisions as that authority or person considers necessary for giving full effect to the regulations, rules or order.

PART XI.—OFFENCES, PENALTIES AND LEGAL PROCEEDINGS.

Offences.

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

(2) In the event of a contravention by an employed person of the provisions of Part IX of this Law with respect to duties of persons employed or of a contravention by any person of any regulation, rule or order made under this Law which expressly imposes any duty upon him, 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 by reason of the contravention of the said

provisions of Part IX of this Law, or the contravention of the provisions imposing the duty, as the case may be, unless it is proved that he failed to take all reasonable steps to prevent the contravention.

(3) If the occupier of a factory avails himself of any special exception allowed by or under this Law and fails to comply with any of the conditions attached to the exception, he shall be deemed to have contravened the provisions of this Law.

(4) If any persons are employed in a factory otherwise than in accordance with the provisions of this Law or of any regulation, rule or order made thereunder, there shall be deemed to be separate contravention in respect of each person so employed.

(5) Where an offence under this Law committed by a company, co-operative society or other body of persons 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, chairman, manager, secretary or other officer of the Company, co-operative society or other body of persons, he, as well as the company, co-operative society or other body of persons, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

95. Subject as hereafter in this Law provided, any person guilty of an offence under this Law for which no expressed penalty is provided by this Law shall be liable on conviction to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding one month or to both such penalties, and, if such offence is a continuing offence, to a further fine not exceeding five pounds, or to further imprisonment for a term not exceeding seven days, or both such further penalties, for each day during which the offence is continued.

Penalties for offences for which no express penalty provided.

96. Where the occupier or owner of a factory is convicted of an offence under this Law, the court may, in addition to or instead of imposing any penalty, order him, within the time 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 Law 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 guilty of an offence and liable on conviction thereof to a fine not exceeding five pounds, or to imprisonment for a term not exceeding seven days, or to both such penalties, for each day during which the non-compliance continues.

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

97. 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 Law or of any regulation, rule or order made thereunder, the occupier or owner of the

Penalty in case of death or injury.

factory shall, without prejudice to any other penalty, be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both such penalties :

Provided that—

- (a) in the case of injury to health, the occupier or owner shall not be liable to a penalty under this section unless the injury was caused directly by the contravention ; and
- (b) the occupier or owner shall not be liable to a penalty under this section if a charge against him under this Law 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.

Penalty for forgery of certificates, false entries and false declarations.

98. Any person who—

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

shall, without prejudice to any other penalty, be guilty of an offence under this Law and on conviction thereof shall be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both such penalties.

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

99. Where an act or default for which an occupier or owner of a factory is liable under this Law is in fact the act or default of some agent, servant, worker or other person, that agent, servant, worker, or other person, shall be guilty of an offence and shall be liable on contravention to the like penalty as if he were the occupier or owner, as the case may be.

100.—(1) Where the occupier or owner of a factory is charged with an offence under this Law he shall be entitled, upon a charge duly made by him and on giving to the prosecution not less than three days' notice in writing of his intention, to have any other person whom he 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—

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

(a) that he has used all due diligence to enforce the execution of this Law and of any relevant order, regulation or rule made thereunder ; and

(b) that the said other person had committed the offence in question without his consent, connivance or wilful default,

that other person shall be 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 gives evidence, and any witnesses called by him in support of his 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 Law and of any relevant order, regulation or rule made thereunder ; and

(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 orders,

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

101. Where, under this Law, any person is substituted for the occupier or owner of a factory with respect to any provisions of this Law, any order, summons, notice or proceedings, which for the purpose of any of those provisions is by or under this Law 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.

Proceedings against persons other than occupiers or owners.

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

Prosecution of offences.

(2) In any proceedings under this Law, it shall be sufficient in the charge or information to allege that the factory is a factory within the meaning of this Law and to state the name of the ostensible occupier of the factory or, where the occupier is a firm, the title of the firm ; and the burden of proving that the premises are not a factory, or that the occupier specified in the charge or information is not the occupier of the factory, shall lie upon the person alleging such fact.

(3) Where any offence is committed under this Law 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 Law or any rule, regulation or order made thereunder, the offence shall be deemed to continue until the examination is made, or the report entered, or the other thing done, as the case may be.

Special provision as to evidence.

103.—(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 shall, until the contrary is proved, be deemed for the purposes of this Law to have been then employed in the factory :

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

(2) Where any entry is required by this Law, or by any order, regulation or rules 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 behalf shall, as against him, 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 Law, or of any order, regulation or rule made thereunder, has not been made, shall be admissible as evidence that that provision has not been observed.

Service and sending of documents, etc.

Cap. 196
66 of 1954.

7 of 1951
35 of 1954.
Cap. 198
22 of 1955.

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

- (a) on any person by delivering it to him, or by leaving it at, or sending it by post to, his residence or place of business ;
- (b) on any firm to which the Partnership and Business Names Law applies by delivering it to any partner of the firm or by leaving it at, or sending it by 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 Laws, 1951 and 1954, apply or a co-operative society to which the Co-operative Societies Law applies), in any such manner as aforesaid, or by delivering it, or a true copy thereof, to any person apparently not under the age of sixteen years 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 Law to be sent to any person, firm, owner or occupier, and to the sending, addressing and delivery of such documents.

Power of Court to modify agreements.

105. 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 to comply with the provisions

of this Law, or of any rule, regulation or order made under this Law, or in order to conform with any standard or requirement imposed by or under this Law, he may apply to the President of a District Court for the terms of the agreement to be set aside or modified ; and the President after hearing the parties and any witnesses whom they may desire to call, may make such an order setting aside or modifying the terms of the agreement as the President considers just and equitable in the circumstances of the case.

106. 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 Law or of any regulation, rule or order made under this Law, or in order to conform with any standard or requirement imposed by or under this Law, 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 occupier or owner, the owner or occupier may apply to the President of the District Court for the expenses of the alterations to be apportioned between them ; and the President after hearing the parties and any witnesses whom they may desire to call, may make such an order concerning the expenses or their apportionment as the President 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 President may, at the request of the owner or occupier, determine the lease.

Power of court to apportion expenses.

PART XII.—GENERAL.

107.—(1) None of the provisions of this Law shall apply to any premises forming part of a mine or quarry.

Provisions as to mines and quarries.

(2) In the case of any premises to which all or any of the provisions of this Law would apply but for sub-section (1) of this section, the Governor may by order direct that that sub-section shall not apply to the premises and that the premises shall be treated for the purposes of this Law as not forming part of a mine or quarry.

(3) In the case of any premises to which all or any of the provisions of this Law apply, being premises which, but for the proviso to sub-section (3) of section 2A of the Mines and Quarries (Regulation) Laws, 1953 and 1956, would be deemed for the purposes of this Law to form part of a mine or quarry, the Governor may by order direct that neither any of the provisions of this Law nor that proviso shall apply to the premises.

14 of 1953
6 of 1956.

(4) In the case of premises which are a factory within the meaning of this Law or to which all or any of the provisions of this Law apply as if the premises were such a factory, being premises which, though not forming part of a mine or quarry, are occupied by the owner of a mine or quarry and used solely for the purpose of the provision or supply for or to a single mine or quarry, or jointly for or to more than one mine or quarry, of services or electricity, the Governor may by order direct that, while the order is in force, none of the provisions

of this Law shall apply to the premises and the premises shall be deemed for the purposes of this Law to form part of the mine or quarry or, as the case may be, of such one of them as may be specified in the order.

(5) References in sub-sections (1) to (4) of this section to provisions of this Law, shall be construed as exclusive of references to sections 70, 71, 75 and 76 and to the other provisions of this Law in so far as, by virtue of the said sections 70, 71, 75 and 76, they are applicable to premises in which steam boilers, hoists and lifts are used to building operations undertaken by way of trade or business or for the purposes of any industrial or commercial undertaking and to works of engineering construction so undertaken ; but—

- (a) the said section 71 shall not apply to winding gear in any mine or quarry ;
- (b) the said section 75 shall not apply to any building operations undertaken below ground in a mine ;
- (c) the said section 76 shall not apply to any works of engineering construction undertaken at any mine (whether above or below ground) or at a quarry.

(6) Where any machinery or apparatus is situate partly in a mine or quarry and partly in a factory within the meaning of this Law, the Governor may by order direct that it shall be deemed, for the purposes of this Law and the Mines and Quarries (Regulation) Laws, 1953 and 1956, or any Law amending or substituted for the same, either to be wholly situate in the factory and not to be situate in the mine or quarry or to be wholly situate in the mine or quarry and not to be situate in the factory.

(7) The Governor may direct that the Commissioner and the Inspector of Mines shall make arrangements with respect to any premises or place in or adjacent to a quarry or mine, for the exercise and performance by the Inspector of Mines of any of the powers and duties of the Commissioner or Chief Inspector under this Law and for the exercise and performance by the Commissioner or Chief Inspector of any of the powers and duties of the Inspector of Mines relating to health, safety and welfare in quarries and mines, and it shall be lawful for the Inspector of Mines and his officers and the Commissioner and his officers or the Chief Inspector respectively to exercise and perform the said powers and duties in accordance with such arrangements.

14 of 1953
6 of 1956.

Saving.

108. Except where otherwise expressly provided, the provisions of this Law shall be in addition to, and not in substitution for or diminution of, the provisions of any other Law :

Provided that no person shall be liable to be punished both under this and under another Law in respect of the same acts or omissions.

109. The Steam Boilers, Engines and Receivers Law, the Trades and Industries (Regulation) Law, the White Phosphorus Matches Prohibition Law and the Docks (Regulation) Law are hereby repealed :

Repeals.
Cap. 163.
Cap. 173.
18 of 1953.
Cap. 183.
Cap. 210.

Provided that any regulations made under the Docks (Regulation) Law which are in force on the date of the coming into operation of this Law shall continue in force and shall have effect as if made under section 66 of this Law.

FIRST SCHEDULE.—(Section 9.)
The Factories Law, 1956.

To the Chief Inspector of Factories,
Department of Labour,
Nicosia.

APPLICATION FOR REGISTRATION.

I,..... (full name in block letters), apply for registration of the premises situated at..... (full address) wherein/whereon I intend to carry on the work of.....

2. In respect thereof I subjoin the undermentioned particulars :—

(1)—(a) Number of persons employed/to be employed.....
(b) Where persons are employed, or are intended to be employed, in shifts, the maximum number employed or intended to be employed, at any one time.....

(2) Description of power-driven machinery

(3) Description of steam boiler (*):—

(a) Type, description and distinctive number.....

(b) Country and year of manufacture.....

(c) Date of the last thorough examination and name of the person by whom the examination was made.....

(d) Maximum permissible working pressure in kilogrammes per square centimetre.....

(4) Working hours.....

(5) Minimum and maximum wages excluding apprentices:

(a) for men.....

(b) for women

(6) Description of premises (number and size of rooms).....

3. I hereby undertake to observe the provisions of the Factories Law, 1956, in so far as they apply to these premises.

Applicant's signature.....

Address

Date.....

(*) Where more than one boiler is in use, particulars of each should be given on separate sheets to be attached to this application.

SECOND SCHEDULE.—(Section 11.)
GOVERNMENT OF CYPRUS.

DEPARTMENT OF LABOUR.

No.....

The Factories Law, 1956.

CERTIFICATE OF REGISTRATION.

This is to certify that the premises occupied by.....,
of....., (situated at.....)
and consisting of.....
has been duly registered under the provisions of this Law and the Regulations made thereunder.

Date.....

.....
Chief Inspector of Factories.

22nd December, 1956.

A. F. J. REDDAWAY,
Administrative Secretary.