

SAFETY IN INDUSTRY ACTS 1955 AND 1980

STATUS DOCUMENT (22 October 2010)

CONTENTS

	Page
Part 1: Unofficial, Annotated, Consolidated Text of Extant Provisions of the Factories Act 1955 (No. 10 of 1955) <u>as amended by</u> the Safety in Industry Act 1980 (No. 9 of 1980)	3
Part 2: Unofficial, Annotated, Text of Extant <u>Stand-Alone</u> Provisions of the Safety in Industry Act 1980 (No. 9 of 1980)	57
Part 3: List of Extant and Repealed Provisions of the Safety in Industry Acts 1955 and 1980	63
Section (i) List of Extant Provisions of the Safety in Industry Acts 1955 and 1980 in Section Order	63
Section (ii) Full List of Repealed Provisions of the Safety in Industry Acts 1955 and 1980 in Section Order	70
Section (iii) List of Repealed Provisions of the Safety in Industry Acts 1955 and 1980 in Chronological Order	75
(a) Repeals of the Factories Act 1955 under Section 7 of the Safety in Industry Act 1980	75
(b) Repeals of the Safety in Industry Acts 1955 and 1980 under Section 4(1) and (2) and the Fifth Schedule of the Safety, Health and Welfare at Work Act 1989	76
(c) Repeals of the Safety in Industry Acts 1955 and 1980 under Section 55(2) and (3) of the Safety, Health and Welfare at Work Act 1989	77
(d) Repeals of the Safety in Industry Acts 1955 and 1980 under the Safety, Health and Welfare at Work Act 1989 (Repeals) Order 1989 (S.I. No. 237 of 1989)	78
(e) Repeals of the Safety in Industry Acts 1955 and 1980 under the Safety, Health and Welfare at Work Act 1989 (Repeals and Revocations) Order 1995 (S.I. No. 357 of 1995)	78

(f) Repeals of the Safety in Industry Acts 1955 and 1980 under the Safety, Health and Welfare at Work Act 1989 (Repeal of Section 38 of the Factories Act 1955)(Commencement) Order 2001 (S.I. No. 219 of 2001)	78
(g) Safety, Health and Welfare at Work Act 2005 (Repeals) (Commencement) Order 2007 (S.I. No. 300 of 2007)	79
Part 4:Proposals for Possible Repeals of the Safety in Industry Acts 1955 and 1980 Pending (at 27 September 2010)	79

PART 1

UNOFFICIAL, ANNOTATED, CONSOLIDATED TEXT OF EXTANT PROVISIONS OF THE FACTORIES ACT 1955 (NO. 10 OF 1955) AS AMENDED BY THE SAFETY IN INDUSTRY ACT 1980 (NO. 9 OF 1980)

FACTORIES ACT 1955

ARRANGEMENT OF SECTIONS

PART I PRELIMINARY AND GENERAL

1 Short title and commencement.

2 Interpretation generally. (Note: As amended by Section 40 of the Safety in Industry Act 1980.)

3 Interpretation of "factory". (Note: As amended by Sections 3 and 40 of the Safety in Industry Act 1980.)

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

5 Expenses incurred by Minister.

6 Regulations in relation to prescribed matters.

7 Repeals.

8 Continuation of certain orders, etc.

9 Construction of certain references.

PART II HEALTH (GENERAL PROVISIONS)

15 Drainage of floors.

16 Slippery floors.

20 Power to require medical supervision.

PART III SAFETY (GENERAL PROVISIONS)

21 Prime movers.

22 Transmission machinery.

23 Machinery other than prime movers and transmission machinery.

26 Provisions as to unfenced machinery. (Note: As amended by Section 7 of the Safety in Industry Act 1980.)

29 Vessels containing dangerous liquids. (Note: As amended by Section 30 of the Safety in Industry Act 1980.)

31 Cleaning of machinery. (Note: As substituted by Section 18 of the Safety in Industry Act 1980.)

32 Training and supervision of persons working at machines. (Note: As substituted by Section 17 of the Safety in Industry Act 1980. Section 24(1) of the Safety in Industry Act 1980 relating to docks, wharves, quays and warehouses also refers.)

36(1) to (4) Construction and maintenance of floors, passages and stairs.

39 Precautions with respect to explosive or inflammable dust gas, vapour or substance. (Note: As amended by Section 42 of the Safety in Industry Act 1980.)

40 Steam boilers. (Note: As amended by Sections 31 and 47 and the Schedule to the Safety in Industry Act 1980.)

41 Steam receivers and steam containers. (Note: As amended by Section 32 of the Safety in Industry Act 1980.)

42 Air receivers. (Note: As amended by Section 33 of the Safety in Industry Act 1980.)

43 Exceptions as to steam boilers, steam receivers and containers, and air receivers.

50 Power of the District Court to make orders as to dangerous conditions and practices.

51 Power of the District Court to make orders as to dangerous factory.

PART IV WELFARE (GENERAL PROVISIONS)

53(1) Washing facilities.

PART V HEALTH, SAFETY AND WELFARE (SPECIAL PROVISIONS AND REGULATIONS)

58 Removal of dust or fumes. **(Note:** As amended by Section 20 of the Safety in Industry Act 1980. Section 24(1) of the Safety in Industry Act 1980 relating to docks, wharves, quays and warehouses also refers.)

59(1) and (2) Meals in certain dangerous trades.

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

63 Humid factories. **(Note:** As amended by Section 47 and the Schedule to the Safety in Industry Act 1980.)

67(1) Lifting excessive weights.

PART VI NOTIFICATION AND INVESTIGATION OF ACCIDENTS AND INDUSTRIAL DISEASES

76 Notification of industrial diseases. **(Note:** As amended by Sections 52 and 56(a) of the Safety in Industry Act 1980 and by Section 58(b) and (c) of the Safety, Health and Welfare at Work Act 1989.)

79 Investigation and report in certain cases.

PART VII CERTIFICATES OF FITNESS IN RESPECT OF YOUNG PERSONS

80 Certificates of fitness for employment of young persons. **(Note:** As amended by Section 51 of the Safety in Industry Act 1980.)

PART VIII SPECIAL APPLICATIONS AND EXTENSIONS

82 Premises where part of building is separate factory.

86 Docks, wharves, and warehouses. **(Note:** as amended by Sections 7(f) and 24(2) of the Safety in Industry Act 1980, as regards Section 86(3). Section 86(1)(b), (d), (f), (g), (i), (k) and (l) already repealed.)

87 Ships.

88 Building operations. **(Note:** As amended by Section 43 of the Safety in Industry Act 1980.)

89 Works of engineering construction. **(Note:** As amended by Section 43 of the Safety in Industry Act 1980.)

PART IX HOME WORK

Repealed

PART X ADMINISTRATION

96 Appointment and duties of certifying doctors.

97 Fees of certifying doctors.

99 Provisions as to regulations, orders and certificates of the Minister.

PART XI OFFENCES, PENALTIES AND LEGAL PROCEEDINGS

100 Offences generally.

102 Power of court to order cause of contravention to be remedied. (Note: As amended by Section 56(h) of the Safety in Industry Act 1980 and by Section 4(2) and the Fifth Schedule to the Safety, Health and Welfare at Work Act 1989.)

103 Offence in case of death or injury. (Note: As amended by Section 56(i) and the Fifth Schedule to the Safety in Industry Act 1980.)

104 Offence by parent. (Note: As amended by Section 56(j) of the Safety in Industry Act 1980 and by Section 58(e) of the Safety, Health and Welfare at Work Act 1989.)

106 Offence by person actually committing offence for which occupier or owner is liable.

108 Proceedings against persons other than occupiers or owners.

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

PART XII APPLICATION OF ACT

117 General application of Act.

118 Application to factories belonging to the State.

PART XIII MISCELLANEOUS

123 Preservation of registers and records.

126 Prohibition of deductions from wages.

FIRST SCHEDULE - Enactments Repealed

SECOND SCHEDULE - Table of Humidity (Note: Substituted by “Point 16 of the Schedule to the Safety in Industry Act 1980.”)

THIRD SCHEDULE - Procedure for Making Special Regulations (**Note:** Amended by Section 48 of the Safety in Industry Act 1980 by the insertion of a new paragraph 3A.)

AN ACT TO CONSOLIDATE, WITH AMENDMENTS, THE FACTORY AND WORKSHOP ACTS, 1901 TO 1920, AND OTHER ENACTMENTS RELATING TO FACTORIES AND FOR PURPOSES CONNECTED WITH THE PURPOSES AFORESAID. [9th June, 1955.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

PART I PRELIMINARY AND GENERAL

Short title and commencement.

1.—(1) This Act may be cited as the Factories Act, 1955 .

(2) This Act shall come into operation on such day as the Minister appoints by order.

(3) Notwithstanding subsection (2) of this section, if it is shown to the satisfaction of the Minister, as respects any particular requirement contained in Part III of this Act, that by reason of substantial expenditure involved through the necessity of providing new, or altering existing, buildings or plant, or on account of other special difficulties, it would be right in the case either of factories generally or of any class or description of factory that the requirement should not come into operation on the day appointed under subsection (2) of this section, he may by order postpone the date of coming into operation of the said requirement, as respects factories generally or that class or description of factory, until such date as he may think fit but not later than the two years after the day appointed under subsection (2) of this section, and any such order may direct that such corresponding provisions of any enactment repealed by this Act as may be specified in the order shall apply in lieu of the postponed requirement of this Act.

(4) Notwithstanding subsection (2) of this section 127 of this Act shall come into operation on the passing of this Act.

Interpretation generally

(Note: Amended by Section 7 of the Safety in Industry Act 1980 by repealing the definition of "degrees" and by Section 40 of the Safety in Industry Act 1980 in relation to the definitions of "work of engineering construction" and "young person".)

2.—(1) In this Act, unless the context otherwise requires—

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

"bodily injury" includes injury to health;

"building operation" means the construction, structural alteration, repair or maintenance of a building (including 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 Act;

"certifying doctor" means a registered medical practitioner appointed under section 96 of this Act to be a certifying doctor for any of the purposes of this Act;

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

"contravention" includes, in relation to any provision, a refusal or failure to comply with that provision, and "contravene" shall be construed accordingly;

"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 122 of this Act; (**Note: Section 122 is now repealed**)

"harbour" has the same meaning as in the Merchant Shipping Act, 1894;

"humid factory" means a factory in which atmospheric humidity is artificially produced by steaming or other means;

"inspector" means an officer of the Minister authorised under section 93 of this Act to act as an inspector for the purposes of this Act; (**Note: Section 93 is now repealed**)

"machinery" includes any driving belt;

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

"medical officer of health" has the same meaning as in the [Health Act 1947](#) (No. 28 of 1947), but also includes a district medical officer under [section 52](#) of the [Health Act, 1953](#) (No. 26 of 1953);

"the Minister" means the Minister for Industry and Commerce;

"multiple 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;

"owner" means the person for the time being receiving the rackrent 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 receive the rackrent if the premises were let at a rackrent;

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

"prescribed" means prescribed by regulations made by the Minister under this Act;

"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;

"railway" means any railway used for the purposes of public traffic whether passenger, goods or other traffic and includes any works of the body corporate managing and controlling the railway which are connected with the railway;

"sanitary authority" means a sanitary authority within the meaning of the Local Government (Sanitary Services) Acts, 1878 to 1952;

"sanitary conveniences" includes urinals, waterclosets, earthclosets, privies, ashpits, and any similar convenience;

"ship" has the same meaning as in the Merchant Shipping Act, 1894;

"tramway" means a tramway authorised by or under statute and used for the Purpose of public traffic;

"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;

"vessel" has the same meaning as in the Merchant Shipping Act, 1894;

"welfare regulations" means special regulations made under section 57 of this Act; **(Note: Section 57 is now repealed)**

"woman" means a woman whose age is not less than eighteen years;

"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 re-pointing and re-painting) or the demolition of any dock, harbour, inland navigation, tunnel, bridge, viaduct, waterworks, reservoir, pipe-line, aqueduct, sewer, sewage works or gasholder, except where carried on upon a railway or tramway, and shall include—

(a) except where carried out in the course of a building operation or on a railway or tramway:

(i) the construction, structural alteration or the repair (including re-pointing and re-painting) or demolition of any of the following:

(A) a steel or reinforced concrete structure or a similar structure,

(B) a road,

(C) an airfield,

(D) any sea defence works or river works,

(E) any other works which are similar to any of the foregoing,

(ii) the construction (whether by laying or otherwise), the structural alteration, the repair (including re-painting) or the demolition of,

(A) a pipe-line for conveying any solid, liquid or gas,

(B) an underground electricity or telecommunications cable system,

(b) such other works as may be prescribed, other than works carried out in a factory or on premises to which this Act applies by virtue of section 83 (1).

(Note: as substituted by Section 40(1)(a) of the Safety in Industry Act 1980)

“young person” means a person whose age is less than eighteen years and who has reached the age at which the School Attendance Act 1926 ceases to apply;

(Note: as substituted by Section 40(1)(b) of the Safety in Industry Act 1980)

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

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

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

(5) Any reference in this Act to the District Court shall be construed as a reference to the Justice of the District Court having jurisdiction in the District Court area where the factory in question is situated.

(6) References in this Act to any enactment shall be construed as references to that enactment as amended by any subsequent enactment including this Act.

Interpretation of "factory".

(Note: Amended by Section 3 of the Safety in Industry Act 1980 in relation to the definition of "factory" and by Section 40 of the Safety in Industry Act 1980 in relation to the application of the Act to AnCO/FAS premises. Definition of "degrees" repealed)

3.—(1) Subject to the provisions of this section, in this Act "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:

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

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

And (whether or not they are factories by reason of the foregoing definition) in this Act "factory" also includes the following premises in which persons are employed in manual labour:

- (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 separate business, 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 as a separate business or incidentally to the purposes of any factory,
- (iv) any premises in which the business of hooking, plaiting, lapping, making-up or packing of yarn or cloth is carried on,
- (v) any laundry carried on as ancillary to another business, or incidentally to the purposes of any public institution,

- (vi) any premises in which the construction, reconstruction or repair of locomotives, vehicles or other plant for use for transport purposes is carried on as ancillary to a transport undertaking, or other industrial or commercial undertaking, not being any premises used for the purpose of housing locomotives or vehicles where only cleaning, washing, running repairs or minor adjustments are carried out and in which persons are not employed on a fulltime basis in such cleaning, washing, repairing and adjusting,
- (vii) any premises in which printing by letterpress, lithography, photogravure, or other similar process, or bookbinding is carried on by way of trade or for purposes of gain or incidentally to another business so carried on,
- (viii) any premises in which the making, adaptation or repair of dresses, scenery or properties is carried on incidentally to the production, exhibition or presentation by way of trade or for purposes of gain of cinematograph films or theatrical performances, not being a stage or dressing room of a theatre in which only occasional adaptations or repairs are made,
- (ix) any premises in which the business of making or mending nets is carried on incidentally to the fishing industry,
- (x) any premises in which mechanical power is used in connection with the making or repair of articles of metal or wood incidentally to any business carried on by way of trade or for purposes of gain,
- (xi) any premises in which the production of cinematograph films is carried on by way of trade or for purposes of gain, so, however, that the employment at any such premises of theatrical performers and of attendants on theatrical performers shall not be deemed to be employment in a factory,
- (xii) any premises in which articles are made or prepared incidentally to the carrying on of building operations or works of engineering construction, not being premises in which such operations or works are being carried on,
- (xiii) any premises used for the storage of gas in a gasholder having a storage capacity of not less than five thousand cubic feet,
- (xiv) any premises in which the business of flax scutching is carried on,
- (xv) any premises in which the business of plucking fowl is carried on,
- (xvi) any premises in which the business of testing, grading or packing eggs is carried on,
- (xvii) any premises in which pigs are killed for the purposes of a bacon factory,

(xviii) any premises in which cattle, sheep, poultry or other animals are killed in the course of a business, for packing or otherwise,

(Note: as inserted by Section 3(1) of the Safety in Industry Act 1980)

(xix) any premises in which mechanical power or steam boilers are used for or in relation to the cleaning, grading or packing of any fruit or vegetables (including fungi).

(Note: as inserted by Section 3(1) of the Safety in Industry Act 1980)

(2) Any line or siding (not being part of a railway or tramway) which is used in connection with and for the purposes of a factory shall be deemed for the purposes of this Act to be part of the factory, but 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 Minister, 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 for the purposes of this Act to be a factory and, in the case of any such workplace not being a multiple factory or part of a multiple factory, this Act shall apply as if the owner or occupier of the workplace were the occupier of the factory and the persons working therein were persons employed in the factory.

(5) Premises in or adjacent to and belonging to a quarry or mine being premises in which the only process carried on is a process ancillary to the getting, dressing or preparation for sale of minerals shall be deemed for the purposes of this Act not to be a factory.

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

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

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

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

(10) Premises belonging to or in the occupation of An Chomhairle Oiliúna shall not be regarded as not being a factory for the purposes of this Act either by reason only that they so belong or are so occupied or by reason only that the work carried on thereat is not carried on by way of trade or for purposes of gain.

(Note: as inserted by Section 40(2) of the Safety in Industry Act 1980)

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

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

Expenses incurred by Minister.

5.—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

Regulations in relation to prescribed matters.

6.—The Minister may make regulations in relation to any matter referred to in this Act as prescribed or to be prescribed.

Repeals.

7.—The Acts mentioned in the First Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

Continuation of certain orders, etc.

8.—Any order, regulation, bye-law, requirement, appointment (other than an appointment under section 118 of the Factory and Workshop Act, 1901) or agreement made or certificate (other than a certificate under section 14 of the Factory and Workshop Act, 1901) or notice given under any enactment repealed by this Act which was in force immediately before the commencement of this Act shall continue in force and shall have effect as though it had been made or given under this Act and, in so far as it could have been made or given under a particular provision of this Act, shall be deemed to have been made or given under that provision, and any such order or regulation made under a power which is exercisable under a corresponding provision of this Act by a different class of instrument, shall be deemed to be an instrument of that class, so, however, that any such order or regulation which continues in force by virtue of this section may, in so far as it is necessary to bring it into conformity with this Act, be varied or revoked by an order or regulations made by the Minister under this Act.

Construction of certain references

9.—(1) References in any enactment to a special order made under section 126 of the Factory and Workshop Act, 1901, shall be construed as references to regulations made under this Act.

(2) References in any enactment to a factory or workshop within the meaning of the Factory and Workshop Acts, 1901 to 1920, or any of those Acts, shall be construed as references to a factory within the meaning of this Act.

(3) The mention of particular matters in subsections (1) and (2) of this section shall not prejudice or affect the general application of [sections 20](#) and [21](#) of the [Interpretation Act, 1937](#) (No. 38 of 1937).

PART II HEALTH (GENERAL PROVISIONS)

Drainage of floors.

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

Slippery floors.

16.—Where any process is carried on which renders the floor liable to cause persons employed to slip, effective means shall be provided and maintained for protecting the persons employed from slipping.

Power to require medical supervision.

20.—(1) Where it appears to the Minister that in any factory or class or description of factory—

(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,

(b) there may be risk of injury to the health of persons employed—

(i) from any substance or material brought in for use or handling, or

(ii) from any change in the conditions of work or other conditions,

(c) 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

(d) persons are or are about to be employed in work which may cause risk of injury to their health,

he may, after consultation with the Minister for Health, 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 that factory or class or description of factory as may be specified in the regulations.

(2) Where the Minister proposes to exercise his powers under this section in relation to a particular factory and for a limited period, he may exercise those powers by order instead of by special regulations.

(3) An order under subsection (2) of this section shall cease to have effect at the expiration of such period not exceeding six months from the date when it comes into operation as may be specified in the order, but—

(a) the Minister may by a subsequent order or orders extend the said period,

(b) if the occupier of the factory by notice in writing to the Minister objects to any such extension, the original order shall cease to have effect as from one month after the service of the notice, without prejudice to the making of special regulations in relation to the factory.

PART III SAFETY (GENERAL PROVISIONS)

Prime movers.

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

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

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

Transmission machinery.

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

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

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

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

(5) Where the Minister is satisfied that owing to special circumstances the fulfilment of any of the requirements of subsections (2), (3) and (4) of this section is unnecessary or impracticable, he may by order direct that that requirement shall not apply in those circumstances.

Machinery other than prime movers and transmission machinery.

23.—(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.

(2) 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 subsection (1) of this section shall be deemed to have been complied with if a device is provided which automatically prevents the operator from coming into contact with that part.

(3) Any part of a stock-bar which projects beyond the headstock 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.

Provisions as to unfenced machinery.

(Note: as amended by Section 7 of the Safety in Industry Act 1980 relating to the repeal of the word "male" in Section 26(2)).

26.—(1) In determining, for the purposes of section 21, 22 or 23 of this Act, 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—

(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,

(b) in the case of any part of transmission machinery used in any such process as may be specified in regulations made by the Minister, being a process where owing to the continuous nature thereof the stopping of that part would seriously interfere with the carrying on of the process, no account shall be taken of any person carrying out, by such methods and in such circumstances as may be specified in the regulations, any lubrication or any mounting or shipping of belts.

(2) Subsection (1) of this section shall only apply where the examination, lubrication or other operation is carried out by such persons, being persons who have attained the age of eighteen years, as may be specified in regulations made by the Minister, and all such other conditions as may be so specified are complied with.

Vessels containing dangerous liquids.

(Note: as amended by Section 30 of the Safety in Industry Act 1980 – Fixed vessels containing liquids etc.)

29 - (1) Where a fixed vessel, structure, sump or pit of which the edge is less than one metre (39.37 inches) above the adjoining ground or platform—

(a) contains or is likely to contain any scalding, corrosive or poisonous liquid, or

(b) contains or is likely to contain to a depth of more than one metre (39.37 inches) any liquid or other substance or material capable of flowing,

then—

(i) it shall be securely covered or securely fenced to at least a height of one metre (39.37 inches), or

(ii) 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.

(Note: as substituted by Section 30) of the Safety in Industry Act 1980)

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

Cleaning of machinery.

(Note: New Section 31, entitled “Cleaning of machinery” substituted by Section 18 of the Safety in Industry Act 1980.)

31. (1) A young person shall not clean, nor shall he be required to clean, any part of a prime mover or of any transmission machinery while the prime mover or transmission machinery is in motion, nor shall he clean or be required to clean any part of any steam boiler, steam receiver, air receiver, lifting machine, or other machine if the cleaning thereof would expose him to risk of injury from any moving part either of that machine or of any adjacent machinery.

(2) (a) In addition to the requirements of subsection (1) of this section, a person shall not clean, nor shall he be required to clean, a steam boiler, steam receiver, air receiver, lifting machine, or other machine unless a safe system of work is in operation as regards the machine and such system previously has been made known to him. The safe system referred to shall, where practicable, be such that—

(i) before commencing to clean the machine the power required to drive the machine shall be isolated by, or with the knowledge of, the person who is to clean the machine by cutting off the power of the machine or otherwise depriving the machine of such power, and

(ii) the supply of such power may only be restored to the machine by such person, or by some other person, being a person standing for the time being designated for the purposes of this section by the occupier, either with the knowledge and consent of the person who is to clean or is cleaning the machine or after that other person has taken such steps as are appropriate to ensure that it is safe to restore such supply.

(b) Where it is not practicable to provide for the isolation as aforesaid of the power required to drive a machine, the safe system of work referred to shall include provisions to ensure that—

(i) in case the machine is in motion immediately before the cleaning of the machine is commenced, the machine cannot remain in motion without the knowledge and consent of the person who is about to clean the machine,

(ii) where a machine is being cleaned and is not in motion, the machine may only be put in motion either by the person cleaning the machine, or by some other person, being a person standing for the time being designated for the purposes of this section by the occupier, either with the knowledge and consent of the person cleaning the machine or after that other person has taken such steps as are appropriate to ensure that it is safe to put the machine in motion.

(3) In this section and in section 32 of this Act (inserted by [section 17](#) of the [Safety in Industry Act 1980](#)) 'lifting machine' has the meaning assigned to it by section 35 (10) of this Act (inserted by [section 28](#) of the [Safety in Industry Act 1980](#)).

Training and supervision of persons working at machines.

(Note: New Section 32, entitled "Training and supervision of persons working at machines" substituted by Section 17 of the Safety in Industry Act 1980. Section 24(1) of the Safety in Industry Act 1980 relating to docks, wharves, quays and warehouses also refers.)

32. (1) A person shall not work, nor shall he be required to work, on, at or with any machine unless he has been fully instructed as to the dangers (if any) arising in connection therewith and the precautions to be observed, and—

- (a) has received a sufficient training in work at the machine, or
- (b) is under adequate supervision by a person who has experience and a thorough knowledge of the machine.

(2)(a) In this section 'machine' includes any steam boiler, steam receiver or air receiver, or any lifting machine which is driven by mechanical power.

- (b) Any reference in this section to working on, at or with a machine shall—
 - (i) in the case of a steam boiler, be construed as including a reference to working in connection with the generation of steam from that boiler,
 - (ii) in the case of a steam receiver, be construed as including a reference to working in connection with the use of steam in that receiver,
 - (iii) in the case of an air receiver, be construed as including a reference to working in connection with the use of compressed air in that receiver, and
- (iv) in the case of such a lifting machine, be construed as including a reference to driving and operating the machine.

Construction and maintenance of floors, passages and stairs.

36.—(1) All floors, steps, stairs, passages and gangways shall be of sound construction 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 or other special circumstances, is specially liable to cause accidents, such a handrail 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.

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

(Note: as amended by Section 42(1) of the Safety in Industry Act 1980 – Amendment of Sections 39, 72 and 85 of the Principal Act, i.e. Factories Act 1955. Sections 72 and 85 are now repealed)

39.—(1) Where, in connection with any grinding, sieving, or other process giving rise to dust, there may escape into any work-room 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.

(2) Where there is present in any plant used in any such process as is referred to in subsection (1) of this section 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, vapour or liquid 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, vapour or liquid 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, vapour or liquid 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, vapour or liquid 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.

(4) Subsection (3) of this section, in so far as it applies to plant containing explosive or inflammable gas or vapour under pressure, shall not apply to plant installed in the open air.

(5) Any plant, tank or vessel which contains or has contained any explosive or inflammable substance shall not 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, an explosive or inflammable substance shall not be allowed to enter the plant, tank or vessel until the metal has cooled sufficiently to prevent any risk of igniting the substance.

(6) In subsection (5) of this section, any reference to a cutting operation which involves the application of heat includes a reference to any operation involving the application of heat for the purpose of taking apart or removing the plant, tank or vessel or any part of it.

(7) The Minister may by certificate grant, subject to any conditions specified in the certificate, exemption from compliance with any of the requirements of subsections (3) and (5) of this section in any case where he is satisfied that compliance with the requirement is unnecessary or impracticable.

Steam boilers.

(Note: As amended by Sections 31, 47 and the Schedule to the Safety in Industry Act 1980. Sections 40, 41 42 and 43 of the Factories Act 1955 and Sections 31, 32 and 33 of the Safety in Industry Act 1980 are scheduled for repeal from the coming into operation of the proposed draft Safety, Health and Welfare at Work (General Application) (Amendment) (No. 2) Regulations 2010 relating to Pressure Systems.)

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

(a) shall have attached to it—

(i) a suitable safety valve, separate from any stop valve, which shall be so adjusted as to prevent the boiler being worked at a 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, 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 Minister 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 2.7 Bars (40 lbs per square inch), the gauge shall be provided with an efficient guard but not so as to obstruct the reading of the gauge,

(v) a plate bearing a distinctive number which shall be easily visible,

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

(c) unless externally fired, shall be provided with a suitable fusible plug or an efficient low-water alarm device.

(2) Subparagraph (ii) of paragraph (a) of subsection (1) of this section shall not apply with respect to economisers, and subparagraphs (iii), (iv) and (v) of paragraph (a), and paragraphs (b) and (c), of that subsection shall not apply with respect to either economisers or superheaters.

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

(4) A person shall not 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 tap 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.

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

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

(7) Every steam boiler and all its fittings and attachments shall be thoroughly examined by a competent person at least once in every fourteen months, and also after any extensive repairs, and in case a steam boiler has been in use for fourteen months or has been extensively repaired, the boiler shall not be further used until it has been examined in accordance with this subsection.

(8) Any examination in accordance with the requirements of subsection (7) of this 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 economiser or superheater, of an examination when it is under normal steam pressure, and the two parts of the examination may be carried out by different persons; the examination under steam pressure shall be made on the first occasion when steam is raised after the examination of the boiler when cold, or within three months of the completion of the first part of the examination, 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 examination under subsection (7) of this section in the prescribed form and containing the prescribed particulars (including the maximum permissible working pressure) shall, as soon as practicable and in any case within twenty-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, and if that person is an inspector of a boiler-inspecting company or association, countersigned by the chief engineer of the company or association or by such other responsible officer of the company or association as may be authorised in writing in that behalf by the chief engineer.

For the purposes of this subsection and the succeeding provisions of this section relating to reports of examinations, the examination of a boiler when it is cold and its examination when it is under steam pressure shall be treated as separate examinations.

(10) A steam boiler which has been used shall not 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 subsections (7), (8) and (9) of this section.

(11) A new steam boiler shall not be taken into use in any factory unless there has been obtained from the manufacturer of the boiler, or from a boiler-inspecting company or association, a certificate specifying the maximum permissible working pressure thereof, and stating the nature of the tests to which the boiler and fittings have been submitted, and the certificate is kept available for inspection, and the boiler is so marked as to enable it to be identified as the boiler to which the certificate relates.

(12) 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.

(13) The person making the report of any examination under this section, or, in the case of a boiler-inspecting company or association, the chief engineer thereof, shall within twenty-eight days of the completion of the examination send to the Minister a copy of the report in every case where the maximum permissible working pressure is reduced, or the examination shows that the boiler cannot continue to be used with safety unless certain repairs are carried out immediately or within a specified time.

(14) If the person employed to make any examination under this section fails to make a thorough examination as required by this section or makes a report which is false or deficient in any material particular, or if the chief engineer of any boiler-inspecting company or association permits any such report to be made, he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds, and if any such Person or chief engineer fails to send to the Minister a copy of any report as required by subsection (13) of this section, he shall be guilty of an offence under this section.

(15) If the Minister is not satisfied as to the competency of the person employed to make any examination under this section or as to the thoroughness of the examination, he may require the boiler to be re-examined by a person nominated by him, and the occupier shall give the necessary facilities for such re-examination.

(16) If, as a result of any re-examination under subsection (15) of this section, it appears that the report of the examination was inadequate or inaccurate in any material particular, the cost of the re-examination shall be recoverable from the occupier as a simple contract debt in any court of competent jurisdiction, and the report of the re-examination purporting to be signed by the person making it shall be admissible in evidence of the facts stated therein.

(17) In this Part of this Act—

"maximum permissible working pressure" means, in the case of a new steam boiler, that specified in the certificate referred to in subsection (11) of this section and, in the case of a steam boiler which has been examined in accordance with this section, that specified in the report of the last examination;

"steam boiler" means any closed vessel in which for any purpose steam is generated under pressure greater than atmospheric pressure, and includes any economiser used to heat water being led to any such vessel, and any superheater used for heating steam.

(18) This section shall not apply to the boiler of any ship or of any locomotive which belongs to and is used by any body corporate managing and controlling a railway.

Steam receivers and steam containers.

(Note: As amended by Section 32 of the Safety in Industry Act 1980. Sections 40, 41 42 and 43 of the Factories Act 1955 and Sections 31, 32 and 33 of the Safety in Industry Act 1980 are scheduled for repeal from the coming into operation of the proposed draft Safety, Health and Welfare at Work (General Application) (Amendment) (No. 2) Regulations 2010 relating to Pressure Systems.)

41.—(1) 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 being exceeded,
- (b) a suitable safety valve so adjusted as to permit the steam to escape as soon as the safe working pressure is exceeded, or a suitable appliance for cutting off automatically the supply of steam as soon as the safe working pressure is exceeded,
- (c) a correct steam pressure gauge, which must indicate the pressure of steam in the receiver,
- (d) a suitable stop valve,
- (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.

- (2) For the purpose of the provisions of subsection (1) of this 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), any other set of receivers supplied with steam through a single pipe may be treated as one receiver.
- (3) Subsection (2) of this section shall not apply to any set of receivers supplied with steam through a single pipe unless the reducing valve or other appliance to prevent the safe working pressure being exceeded is fitted on the single pipe.
- (4) Every part of every steam receiver shall be of good construction, sound material, adequate strength, and free from patent defect.
- (5) Every steam receiver and its fittings shall be properly maintained, and shall be thoroughly examined by a competent person so far as the construction of the receiver permits, at least once in every period of twenty-six months.
- (6) A report of the result of every examination under subsection (5) of this section containing the prescribed particulars (including particulars of the safe working pressure) shall be entered in or attached to the general register.
- (7) Every steam container shall be so maintained as to secure that the outlet is at all times kept open and free from obstruction.
- (7A) (a) A steam receiver which has previously been used shall not be taken into use in any factory for the first time in that factory until it has been examined thoroughly and reported on by a competent person so far as the construction of the receiver permits.

(b) A report of the results of every examination under paragraph (a) of this subsection containing the particulars prescribed for the purposes of subsection (6) of this section shall be entered in or attached to the general register.

(7B) A new steam receiver shall not be taken into use in any factory unless—

(a) there has been obtained from the manufacturer, or from a boiler inspecting company or association, a certificate specifying the maximum permissible working pressure thereof and stating the nature of the tests to which the receiver and fittings have been submitted,

(b) the certificate is kept available for inspection, and

(c) the steam receiver is so marked as to enable it to be identified as the steam receiver to which the certificate relates.

(7C) The person making the report of any examination under this section, or, in the case of a boiler inspecting company or association, the chief engineer thereof, shall within twenty-eight days of the completion of the examination send to the Minister a copy of the report in every case where the maximum permissible working pressure is reduced, or the examination shows that the steam receiver cannot continue to be used with safety unless certain repairs are carried out immediately or within a specified time.

(8) In this Part of this Act—

"safe working pressure" means, in the case of a new steam receiver, that specified by the maker, 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;

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

"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 for the purpose of heating, boiling, drying, evaporating or other similar purpose.

Air receivers.

(Note: As amended by Section 33 of the Safety in Industry Act 1980. Sections 40, 41 42 and 43 of the Factories Act 1955 and Sections 31, 32 and 33 of the Safety in Industry Act 1980 are scheduled for repeal from the coming into operation of the proposed draft Safety, Health and Welfare at Work (General Application) (Amendment) (No. 2) Regulations 2010 relating to Pressure Systems.)

42.—(1) Every air receiver shall—

- (a) have marked upon it so as to be plainly visible the safe working pressure,
- (b) in the case of a receiver connected with the 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,
- (c) be fitted with a suitable safety valve so adjusted as to permit the air to escape as soon as the safe working pressure is exceeded,
- (d) be fitted with a correct pressure gauge indicating the pressure in the receiver,
- (e) be fitted with a suitable appliance for draining the receiver,
- (f) be provided with a suitable manhole, handhole, 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) The requirement of paragraph (e) of subsection (1) of this section shall not apply to any such vessel as is mentioned in paragraph (c) or paragraph (d) of subsection (8) of this section.

(3) For the purpose of the provisions of subsection (1) of this 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.

(4) In a case a suitable reducing valve or other suitable appliance to prevent the safe working pressure being exceeded is required to be fitted to a set of air receivers supplied with air through a single pipe, subsection (3) of this section shall not apply unless the valve or appliance is fitted on the single pipe.

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

(6) Every air receiver shall be thoroughly cleaned and examined at least once in every period of twenty-six months, but 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.

(7) Every examination and test under subsection (6) of this section shall be carried out by a competent person and a report of the result of every such examination and test, containing the prescribed particulars (including particulars of the safe working pressure), shall be entered in or attached to the general register.

(7A) (a) An air receiver which has previously been used shall not be taken into use in any factory for the first time in that factory until it has been thoroughly examined and tested by a competent person so far as the construction of the receiver permits.

(b) A report of the results of every examination and test under paragraph (a) of this subsection containing the particulars prescribed for the purposes of subsection (7) of this section shall be entered in or attached to the general register.

(7B) A new air receiver shall not be taken into use in any factory unless—

(a) there has been obtained from the manufacturer, or from a competent person, a certificate specifying the maximum permissible working pressure thereof and stating the nature of the tests to which the air receiver and fittings have been submitted,

(b) the certificate is kept available for inspection, and

(c) the air receiver is so marked as to enable it to be identified as the air receiver to which the certificate relates.

(7C) The person making the report of any examination under this section, or in the case of an air receiver inspecting company or association, the chief engineer thereof, shall within twenty-eight days of the completion of the examination send to the Minister a copy of the report in every case where the maximum permissible working pressure is reduced, or the examination shows that the air receiver cannot continue to be used with safety unless certain repairs are carried out immediately or within a specified time.

(8) In this Part of this Act, "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 the air compressing plant,

(b) any fixed vessel for containing compressed air or compressed exhaust gases and used for the purpose of starting an internal combustion engine,

(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.

Exceptions as to steam boilers, steam receivers and containers, and air receivers.

(Note: Sections 40, 41 42 and 43 of the Factories Act 1955 and Sections 31, 32 and 33 of the Safety in Industry Act 1980 are scheduled for repeal from the coming into operation of the proposed draft Safety, Health and Welfare at Work (General Application) (Amendment) (No. 2) Regulations 2010 relating to Pressure Systems.)

43.—The Minister may by certificate except from any of the provisions of sections 40, 41 and 42 of this Act 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 and any such exception may be unqualified or may be subject to such conditions as may be contained in the certificate.

Power of the District Court to make orders as to dangerous conditions and practices.

50.—(1) If, on complaint by the Minister, the District Court is satisfied either—

- (a) that any part of the ways, works, machinery or plant used in a factory is in such a condition or is so constructed or is so placed that it cannot be used without risk of bodily injury, or
- (b) that any process or work is carried on or anything is or has been done in a factory in such 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 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 subsection (1) of this section in relation to any part of the ways, works, machinery or plant used in a factory or any process or work carried on or anything which is or has been done in a factory, the District Court may, on application ex parte by the Minister and on receiving evidence that the use of such part or, as the case may be, the carrying on of such process or work or the doing of such thing 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.

Power of the District Court to make orders as to dangerous factory.

51.—(1) The District Court may, on complaint by the Minister, 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 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 or work.

(2) The carrying on of any process or work may, by an order under subsection (1) of this section, be prohibited 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 or without such a contravention as aforesaid, as the case may be; but any such order may be revoked or varied on the application by way of complaint of the occupier or owner of the factory or premises.

(3) On any application for the revocation or variation of an order under subsection (1) of this section, the Minister shall be entitled to be heard.

PART IV WELFARE (GENERAL PROVISIONS)

Washing facilities.

(**Note:** Section 53(2) and (3) repealed.)

53.—(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. (**Note:** Subsection (1) was originally amended by Section 16 of the Safety in Industry Act 1980, which Section itself was repealed under the Safety, Health and Welfare at Work Act 1989 (Repeals and Revocations)(Order) 1995 (S.I. No. 357 of 1995). A question, therefore, arises as to whether Section 53(1) still remains on the statute book.)

PART V HEALTH, SAFETY AND WELFARE (SPECIAL PROVISIONS AND REGULATIONS)

Removal of dust or fumes.

(**Note:** As amended by Section 20 of the Safety in Industry Act 1980. Section 24(1) of the Safety in Industry Act 1980 relating to docks, wharves, quays and warehouses also refers.)

58.—(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 an extent as to be likely to be injurious or offensive to the persons employed or working on the premises, or any substantial quantity of dust of any kind, all practicable measures shall be taken to protect those persons against inhalation of the dust or fume or other impurity and to prevent its accumulation 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,

(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.

(Note: Section 59(3) repealed)

59.—(1) Where in any room lead, arsenic or other poisonous substance is so used as to give rise to any dust or fume, or a process is carried on which gives rise to siliceous dust or asbestos dust, 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.

(2) Suitable provision shall be made for enabling the persons employed in any such room as is mentioned in subsection (1) of this section to take their meals elsewhere in the factory.

Prohibition of use of white phosphorus in manufacture of matches.

62.—A person shall not use in the manufacture of matches the substance usually known as white or yellow phosphorus.

Humid factories.

(Note: as amended by Section 47 and the Schedule to the Safety in Industry Act 1980)

63.—(1) The occupier of every humid factory shall, on or before the first occasion on which artificial humidity is produced at that factory, give notice thereof in writing to the Minister.

(2) In every humid factory in which regulations made under this Act or under the enactments thereby repealed, with respect to humidity, are not for the time being in force, the following provisions shall have effect:

(a) subject to subsections (3) and (4) of this section, there shall be provided and maintained in every room in which artificial humidity is produced, two hygrometers, conforming to such conditions, as regards construction and maintenance, as may be prescribed, and the following requirements with respect thereto shall be complied with:

(i) one hygrometer shall be fixed in the centre and one at the side of each room, or in such other position as may be directed or sanctioned by an inspector, so as to be plainly visible to the persons employed;

(ii) a copy of the table of humidity set out in the Second Schedule to this Act, or such other table as may be substituted therefor by regulations of the Minister, shall be kept hung up near to each hygrometer;

(iii) the occupier or other person authorised for the purpose shall read the hygrometers twice daily, namely, between ten and eleven o'clock in the morning and between three and four o'clock in the afternoon on every day on which any persons are employed in the room in the morning or afternoon, as the case may be, and when persons are employed before six o'clock in the morning or after eight o'clock in the evening, at such other times as may be directed by an inspector and shall enter the readings on a record which shall be provided for each hygrometer in the prescribed form;

(iv) the forms on which the readings of each hygrometer are recorded shall be kept hung up near the hygrometer and when filled up shall be preserved at the factory for reference;

(v) the entries recorded in any such form shall be *prima facie* evidence of the humidity of the atmosphere and temperature in the factory;

(b) there shall be no artificial humidification in any room at any time when the reading of the wet bulb thermometer exceeds 22.5 degrees Celsius (72½ degrees Fahrenheit) or, in the case of a room in which the spinning of cotton or in which the spinning of merino or cashmere by the French or dry process or the spinning or combing of wool by that process is carried on, 26.7 degrees Celsius (80 degrees Fahrenheit);

(c) there shall be no artificial humidification in any room at any time when the difference between the readings of the dry and wet bulb thermometers is less than that indicated in the table of humidity;

(d) no water which is liable to cause injury to the health of the persons employed, or to yield effluvia, shall be used for artificial humidification, and for the purpose of this provision any water which absorbs from acid solution of permanganate of potash in four hours at 15.6 degrees Celsius (60 degrees Fahrenheit) more than 11 grams of oxygen per litre (half a gram of oxygen per gallon) of water, shall be deemed to be liable to cause injury to the health of the persons employed.

(3) The Minister may direct in writing, in the case of any factory or any room in a factory, that the provision and maintenance of one hygrometer shall be sufficient instead of two, the hygrometer to be fixed in such a position as may be directed by an inspector, and subsection (2) of this section shall have effect accordingly.

(4) Where, as respects any room, notice has been given in writing to the Minister that it is intended that the humidity of the atmosphere should never be greater than will maintain a difference of at least 2.2 degrees Celsius (4 degrees Fahrenheit) between the readings of the dry and wet bulb thermometers subparagraphs (iii) and (iv) of paragraph (a) of subsection (2) of this section shall not apply as respects that room so long as at least that difference is maintained and a copy of the said notice is kept posted in the room.

Lifting excessive weights.

(**Note:** Section 67(2) repealed)

67.—(1) A person shall not be employed to lift, carry or move any load so heavy as to be likely to cause injury to him.

**PART VI NOTIFICATION AND INVESTIGATION OF ACCIDENTS AND
INDUSTRIAL DISEASES**

Notification of industrial diseases.

(Note: as amended by Sections 52 and 56(a) of the Safety in Industry Act 1980 and by Section 58(b) and (c) of the Safety, Health and Welfare at Work Act 1989)

76.—(1) Every medical practitioner attending on or called in to visit a patient whom he believes to be suffering from lead, phosphorus, arsenical or mercurial poisoning, or anthrax, contracted in any factory, shall (unless such a notice has been previously sent) forthwith send to the Minister a notice stating the name and full postal address of the patient and the disease from which, in the opinion of the medical practitioner, the patient is suffering, and the name and address of the factory in which he is or was last employed, and shall be entitled in respect of every notice sent in pursuance of this section to a fee of one pound, to be paid by the Minister.

(2) If, in contravention of the provisions of this section, any medical practitioner fails to send any notice in accordance with the requirements thereof, he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding £150.

(3) Written notice of every case of lead, phosphorus, or arsenical or mercurial poisoning, or anthrax, occurring in a factory shall forthwith be sent by the occupier in the prescribed form and accompanied by the prescribed particulars to the Minister and to the certifying doctor.

(4) Where any disease is notified under subsection (3) of this section and, after notification, results in the death of the person who contracted the disease, notice in writing of the death shall be sent by the occupier of the factory to the Minister as soon as the death comes to his knowledge.

(5) Where any disease to which this section applies is contracted by a person employed in a factory of which the occupier is not the actual employer of such person, the actual employer shall immediately report the contracting of the disease to the occupier and, if he fails to do so, he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding £150.

(6) The Minister may, as respects all factories or any class or description of factory, by regulations, made after consultation with the Minister for Health, apply this section to any disease other than those mentioned in this section.

Investigation and report in certain cases.

79.—(1) It shall be the duty of the certifying doctor to investigate and report—

(a) upon cases of death or injury caused by exposure in a factory to fumes or other noxious substances, or due to any other special cause specified in instructions of the Minister as requiring investigation,

(b) upon any case of death or injury which an inspector in pursuance of any general or special instructions of the Minister may refer to him for that purpose,

(c) upon any case of disease of which he receives notice under this Act.

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

(3) The Minister may, by authorisation in writing, authorise a registered medical practitioner to investigate and report upon any matter relating to this Act, and any registered medical practitioner so authorised shall, for the purpose of the investigation, have the like powers as an inspector.

PART VII CERTIFICATES OF FITNESS IN RESPECT OF YOUNG PERSONS

Certificates of fitness for employment of young persons.

(Note: as amended by Section 51 of the Safety in Industry Act 1980)

80.—(1) Subject to the provisions of this section, a young person who is taken into any employment in a factory shall not remain in that employment after the expiration of ten working days (or such longer period as may be prescribed) unless he has been examined by the certifying doctor, or by a registered medical practitioner approved for the purposes of this section by the Minister, and certified by him to be fit for that employment.

(2) Subject to the provisions of this section, a young person in respect of whom a certificate under subsection (1) of this section or under this subsection is in force shall not be taken into or remain in employment in a factory after the expiration of twelve months from the date of such certificate unless, during the last three of such twelve months, he has been examined by the certifying doctor or a registered medical practitioner engaged by or on behalf of such young person and has been certified by the certifying doctor or such practitioner to be fit for that employment.

(3) Where the certifying doctor or a registered medical practitioner after examining a young person requires further information or further time for consideration before deciding whether or not to certify him as fit for employment or as to the conditions subject to which the certificate is to be issued, he may issue a provisional certificate authorising the employment of the young person for such period as may be specified in the certificate, not exceeding twenty-one days from the date on which it was issued.

(4) Any certificate under this section may be issued—

(a) in respect of employment in all factories in the occupation of the same occupier, or such of them as may be specified in the certificate,

(b) subject to conditions as respects the nature of the work in which the person concerned is to be employed.

(5) Where a certificate under this section is issued upon any such condition as is referred to in subsection (4) of this section, the person to whom the certificate relates shall not, so long as he is a young person, be employed except in accordance with the condition.

(6) If the certificate under this section of a person is revoked while he is a young person, he shall not remain in any employment to which the certificate relates, and subsections (1) and (2) of this section shall thereafter have effect as if no certificate had been issued in respect of him.

(7) Where a certificate under this section in respect of a person is refused or revoked, the certifying doctor or registered medical practitioner shall, if requested to do so by the parent of the person, give to the parent in writing the reasons for the refusal or revocation.

(8) The Minister may make regulations prescribing—

(a) the manner in which and the place at which examinations under this section shall be conducted;

(b) the form of certificates under this section;

(c) the facilities to be afforded by occupiers of factories for the purpose of examinations under this section, including facilities for a certifying doctor or registered medical practitioner to inspect any process in which a young person is to be employed;

(d) any other matter which the Minister may consider desirable for the purpose of giving effect to this section.

(9) Where as respects any factory or class of factories the Minister is satisfied that the health risk is high, he may, by regulations in relation to such factory or class of factories, extend this section to persons who are not young persons and who have not attained the age of twenty-one.

PART VIII SPECIAL APPLICATIONS AND EXTENSIONS

Premises where part of building is separate factory.

82.—(1) Where a part of a building not being a part of a multiple factory is let off as a separate factory—

(a) the following provisions, that is to say:—

(i) the provisions of Part II of this Act with respect to cleanliness and lighting;
(Note: i.e. Sections 10 and 14 of the Factories Act 1955, now repealed)

(ii) the provisions of Part III of this Act with respect to prime movers, transmission machinery **(Note: i.e. Sections 21 and 22 of the Factories Act 1955)**,

hoists and lifts, chains, ropes and lifting tackle, cranes and other lifting machines (**Note:** i.e. Sections 33 to 35 of the Factories Act 1955, now repealed), the construction and maintenance of floors, passages and stairs (**Note:** i.e. Section 36 of the Factories Act 1955, steam boilers, steam receivers and containers, air receivers (**Note:** i.e. Sections 40 to 42 of the Factories Act 1955), powers of the District Court to make orders as to dangerous conditions and practices and powers of the District Court to make orders as to dangerous factories (**Note:** i.e. Sections 50 and 51 of the Factories Act 1955);

shall apply to any part of the building used for the purposes of the factory but not comprised therein, and the owner of the building shall be responsible for any contravention of the said provisions or any order made thereunder;

(b) the owner of the building shall also be responsible, instead of the occupier of the factory, for any contravention as respects the factory of the provisions of Part II of this Act with respect to sanitary conveniences (**Note:** now repealed), the provisions of Part III of this Act with respect to hoists and lifts (**Note:** now repealed), steam boilers, means of escape in case of fire (**Note:** now repealed) and safety provisions in case of fire (**Note:** now repealed) and the provisions of any regulations made under section 46 of this Act (**Note:** now repealed); (**Note:** In subsection (1)(b) only the reference to “steam boilers” is still relevant.)

(c) for the purposes of the said provisions with respect to means of escape in case of fire and safety provisions in case of fire and the provisions of any regulations made under section 46 of this Act, the factory shall be deemed to include any part of the building used for the purpose of the factory; (**Note:** As a result of the earlier repeal of Section 46, subsection (1)(c) is obsolete.)

but the owner shall be responsible for the cleanliness of sanitary conveniences only when used in common by several tenants, and shall be responsible for any contravention of the provisions relating to hoists and lifts, steam boilers, means of escape in case of fire and safety provisions in case of fire and the provisions of any regulations made under section 46 of this Act only in so far as those provisions relate to matters within his control. (**Note:** Only the reference to “steam boilers” is still relevant.)

(2) For the purpose of the provisions of Part III of this Act with respect to chains, ropes and lifting tackle and cranes and other lifting machines, as applied by subparagraph (ii) of paragraph (a) of subsection (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. (**Note:** As a result of the earlier repeal of the provisions referred to, subsection (2) is obsolete.)

(3) For any contravention (whether as respects the factory or otherwise) of the provisions of Part III of this Act with respect to chains, ropes and lifting tackle, cranes and other lifting machines,

steam receivers and containers or air receivers, as applied by subparagraph (ii) of paragraph (a) of subsection (1) of this section—

(a) if it is a contravention with respect to any machinery or plant belonging to or supplied by the occupier of the factory, he shall be responsible, and

(b) if it is not, the owner of the building shall be responsible,

so, however, that the owner shall not be responsible for a contravention of the said provisions in so far as they relate to matters outside his control and for any such contravention as respects the factory the occupier shall be responsible. (Note: In subsection (3), only the reference to “steam receivers and containers or air receivers” is still relevant.)

(4) As respects the provisions of section 50 and section 51 of this Act as they apply in relation to a factory referred to in subsection (1) of this section and as they are applied by subparagraph (ii) of paragraph (a) of that subsection, references in those provisions to the occupier shall be taken as references to the occupier of the factory or the owner of the building, according to which of them is responsible in respect of the matters complained of.

(5) Where this section applies to any provision 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 subsection (3) of section 112 of this Act shall apply in relation to any register kept by the owner in pursuance of this section as if he were the occupier of a factory. (Note: As a result of the earlier repeal of Section 112 of the Factories Act 1955, subsection (5) is obsolete.)

Docks, wharves, and warehouses.

(Note: As amended by Sections 7(f) and 24(2) of the Safety in Industry Act 1980, as regards Section 86(3). Section 86(1)(b), (d), (f), (g), (i), (k) and (l) already repealed.)

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

(a) the provisions of Part I;

(c) the provisions of Part III with respect to steam boilers (including the provisions as to exceptions as to steam boilers (Note: i.e. Sections 40 and 43)) 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; (Note: To be considered whether Section 86(1)(c) should be added to the provisions to be proposed for repeal from the coming into

operation of the proposed draft Safety, Health and Welfare at Work (General Application) (Amendment) (No. 2) Regulations 2010 relating to Pressure Systems.)

(e) the provisions of Part IV with respect to welfare regulations (**Note:** i.e. Section 57 relating to welfare regulations – now repealed.);

(h) the provisions of Part VII (**Note:** i.e. Section 80 relating to certificates of fitness for employment of young persons) so, however, that the said provisions shall apply in the case of warehouses only;

(j) the provisions of Part X with respect to appointment and duties of certifying doctors and fees of certifying doctors (**Note:** i.e. Sections 96 and 97), subject to such adaptations and modifications as may be made by regulations of the Minister, and the provisions of the said Part X with respect to powers and duties of inspectors (**Note:** The relevant provisions of Part X have now been repealed and are replaced by the relevant provisions of Chapter 2 (Enforcement) of Part 6 of the Safety, Health and Welfare at Work Act 2005 (No. 10 of 2005) including Section 64 relating to powers of inspectors.) and to regulations, orders and certificates of the Minister;

(2) The provisions of this Act mentioned in paragraph (a), in paragraph (c) (subject to the modification mentioned in that paragraph) and in paragraph (j) of subsection (1) (**Note:** paragraphs (d), (f), (g), (k), and (l) of subsection (1) are repealed.) of this section shall apply to the processes of loading, unloading or coaling of any ship in any dock, harbour or canal and to all machinery or plant used in those processes, 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, but the provisions of this Act 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 subsection, "plant" includes any gangway or ladder used by any person employed to load or unload or coal a ship.

(3) The provisions of Part III of this Act with respect to prime movers, transmission machinery, other machinery, provisions as to unfenced machinery, construction and maintenance of fencing, construction of machinery, cleaning of machinery by young persons, training and supervision of persons working at machines, hoists and lifts, chains, ropes and lifting tackle, cranes and other lifting machines, construction and maintenance of floors, passages and stairs, and the power of the District Court to make orders as to dangerous factories shall apply to every warehouse mentioned in subsection (1) of this section as if the warehouse were a factory and as if the person having the actual use or occupation thereof were the occupier of a factory. (**Note:** As at 27 September 2010, the only extant provisions of Part III of the Factories Act 1955 are – Sections 21 to 23, 26, 29, 31 and 32, 36(1) to (4), 38 to 43, 50 and 51, as variously amended by the Safety in Industry Act 1980.)

Ships.

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

- (a) the provisions of Part I;
- (b) the provisions of Part IV with respect to welfare regulations; (**Note:** i.e. Section 57 relating to welfare regulations – now repealed.);
- (c) the provisions of Part V with respect to special regulations for safety and health; (**Note:** Obsolete as the relevant provisions, i.e. Section 71, are now repealed.);
- (d) the provisions of Part VI; (**Note:** Only Section 76 of the Factories Act 1955 – Notification of industrial diseases - and Section 79 – Investigation and report in certain cases – are now relevant due to earlier repeals.)
- (e) the provisions of Part X with respect to powers and duties of inspectors (**Note:** The relevant provisions of Part X have now been repealed and are replaced by the relevant provisions of Chapter 2 (Enforcement) of Part 6 of the Safety, Health and Welfare at Work Act 2005 (No. 10 of 2005) including Section 64 relating to powers of inspectors.) and to regulations, orders and certificates of the Minister;
- (f) the provisions of Part XI; (**Note:** As at 27 September 2010, only Sections 100, 103, 104, 106, 108 and 109 are relevant taking account of earlier repeals.)
- (g) the provisions of Part XIII 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; (**Note:** As at 27 September 2010, only Sections 123 and 126 are relevant taking account of earlier repeals.)

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) In subsection (1) of this section, the reference to cleaning oil-fuel tanks or bilges in a ship includes a reference to cleaning—

- (a) any tank last used for oil of any description carried as cargo, and
- (b) any tank or hold last used for any substance so carried of a description specified in regulations of the Minister as being of a dangerous, injurious or offensive nature.

(3) Nothing in this Act shall apply to any work referred to in subsection (1) of this section done by the master or crew of a ship or done on board a ship during a trial run.

Building operations.

(**Note:** As amended by Section 43 of the Safety in Industry Act 1980 - Extension of sections 88 and 89 of Principal Act, i.e. the Factories Act 1955, as regards certain persons deemed to be the occupier of a factory.)

88.—(1) Subject as hereinafter in this section provided, the provisions of this Act hereinafter in this subsection 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 and is not part of a railway or tramway, that is to say:—

- (a) the provisions of Part I;
- (b) the provisions of Part II with respect to sanitary conveniences; (**Note:** Now obsolete as the relevant provisions are repealed.)
- (c) the provisions of Part III with respect to chains, ropes and lifting tackle and cranes and other lifting machines (**Note:** Now obsolete as the relevant provisions are repealed.), steam boilers and air receivers (including the provisions as to exceptions as to steam boilers and air receivers) and the power of the District Court to make orders as to dangerous conditions and practices;
- (d) the provisions of Part IV with respect to welfare regulations; (**Note:** Now obsolete as the relevant provisions are repealed.)
- (e) the provisions of Part V with respect to lifting excessive weights and special regulations for safety and health; (**Note:** As at 27 September 2010, only the provisions of Section 67(1) of the Factories Act 1955 – Lifting excessive weights – are extant and relevant in the context of this paragraph.)
- (f) the provisions of Part VI; (**Note:** As at 27 September 2010, only the provisions of Section 76 of the Factories Act 1955 – Notification of industrial diseases - and Section 79 – Investigation and report in certain cases - are extant and relevant.)
- (g) the provisions of Part VII, subject to such adaptations and modifications as may be made by regulations of the Minister; (**Note:** i.e. Section 80 relating to certificates of fitness for employment of young persons.)
- (h) the provisions of Part X with respect to powers and duties of inspectors and sanitary authorities (**Note:** The relevant provisions of Part X have now been repealed and are replaced by the relevant provisions of Chapter 2 (Enforcement) of Part 6 of the Safety, Health and Welfare at Work Act 2005 (No. 10 of 2005) including Section 64 relating to powers of inspectors.) and to regulations, orders and certificates of the Minister;
- (i) the provisions of Part XI; (**Note:** As at 27 September 2010, only Sections 100, 103, 104, 106, 108 and 109 are relevant taking account of earlier repeals.)

(j) the provisions of Part XII; (**Note:** i.e. Sections 117 and 118 relating to the application of the Act.)

(k) the provisions of Part XIII with respect to the abstract of this Act and notices, special regulations, general registers (so far as applicable), preservation of registers and records, duties of persons employed and the prohibition of deductions from wages. (**Note:** i.e. Sections 117 and 118 relating to the application of the Act.)

(2) The provisions of this Act 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 Act applies were the occupier of a factory, and with such other adaptations and modifications as may be made by regulations made by the Minister, but such of the provisions of this Act as require general registers to be kept and copies of the prescribed abstract of this Act and of special regulations or the prescribed abstract of such regulations to be kept posted up 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 Act and of the regulations or abstract thereof are kept posted up 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. (**Note:** Subsection (2) is now obsolete as the provisions of the Factories Act 1955 relating to registers and abstracts are repealed.)

(3) The application of this Act to any building operations by virtue of this section shall not be excluded by reason of the fact that they are undertaken on premises to which this Act applies apart from this section nor be taken as prejudicing the application of this Act to those premises apart from this section.

(4) Any person undertaking any such building operations to which this Act applies as may be declared by regulations of the Minister to require notice under this subsection shall, not later than seven days after the beginning of the operations, serve on the Minister a written notice stating the name and postal address of the person so undertaking the operations, the place and nature of the operations, and whether any mechanical power is or is to be used and, if so, its nature.

Works of engineering construction.

(**Note:** As amended by Section 43 of the Safety in Industry Act 1980 - Extension of sections 88 and 89 of Principal Act, i.e. the Factories Act 1955, as regards certain persons deemed to be the occupier of a factory.)

89.—(1) Subject as hereinafter in this section provided, the provisions of this Act hereinafter in this subsection 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 purpose thereof and is not part of a railway or tramway, that is to say:—

(a) the provisions of Part I;

(b) the provisions of Part II with respect to sanitary conveniences; (**Note:** Now obsolete as the relevant provisions are repealed.)

(c) the provisions of Part III with respect to chains, ropes and lifting tackle and cranes and other lifting machines (**Note:** Now obsolete as the relevant provisions are repealed.), steam boilers and air receivers (including the provisions as to exceptions as to steam boilers and air receivers) and the power of the District Court to make orders as to dangerous conditions and practices;

(d) the provisions of Part IV with respect to welfare regulations; (**Note:** Now obsolete as the relevant provisions are repealed.)

(e) the provisions of Part V with respect to lifting excessive weights and special regulations for safety and health; (**Note:** As at 27 September 2010, only the provisions of Section 67(1) of the Factories Act 1955 – Lifting excessive weights – are extant and relevant in the context of this paragraph.)

(f) the provisions of Part VI; (**Note:** As at 27 September 2010, only the provisions of Section 76 of the Factories Act 1955 – Notification of industrial diseases - and Section 79 – Investigation and report in certain cases - are extant and relevant.)

(g) the provisions of Part VII, subject to such adaptations and modifications as may be made by regulations of the Minister; (**Note:** i.e. Section 80 relating to certificates of fitness for employment of young persons.)

(h) the provisions of Part X with respect to powers and duties of inspectors and sanitary authorities (**Note:** The relevant provisions of Part X have now been repealed and are replaced by the relevant provisions of Chapter 2 (Enforcement) of Part 6 of the Safety, Health and Welfare at Work Act 2005 (No. 10 of 2005) including Section 64 relating to powers of inspectors.) and to regulations, orders and certificates of the Minister;

(i) the provisions of Part XI; (**Note:** As at 27 September 2010, only Sections 100, 103, 104, 106, 108 and 109 are relevant taking account of earlier repeals.)

(j) the provisions of Part XII; (**Note:** i.e. Sections 117 and 118 relating to the application of the Act.)

(k) the provisions of Part XIII with respect to the abstract of this Act and notices, special regulations, general registers (so far as applicable), preservation of registers and records, duties of persons employed and the prohibition of deductions from wages. (**Note:** i.e. Sections 117 and 118 relating to the application of the Act.)

(2) The provisions of this Act 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 Act applies were the occupier of a factory, and with

such other adaptations and modifications as may be made by regulations made by the Minister, but such of the provisions of this Act as require general registers to be kept and copies of the prescribed abstract of this Act and of special regulations or the prescribed abstract of such regulations to be kept posted up 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 Act and of the regulations or abstract thereof are kept posted up 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. **(Note: Subsection (2) is now obsolete as the provisions of the Factories Act 1955 relating to registers and abstracts are repealed.)**

(3) The application of this Act to any works of engineering construction by virtue of this section shall not be excluded by reason of the fact that they are undertaken on premises to which this Act applies apart from this section nor be taken as prejudicing the application of this Act to those premises apart from this section.

(4) Any person undertaking any such works of engineering construction to which this Act applies as may be declared by regulations of the Minister to require notice under this subsection shall, not later than seven days after the beginning of the works, serve on the Minister a written notice stating the name and postal address of the person so undertaking the works, the place and nature of the works, and whether any mechanical power is or is to be used and, if so, its nature.

PART IX HOME WORK

Repealed

PART X ADMINISTRATION

Appointment and duties of certifying doctors.

96.—(1) The Minister may appoint registered medical practitioners to be certifying doctors for any of the purposes of this Act, and may revoke any such appointment.

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

(3) The certifying doctor for a factory shall have power at all reasonable times to inspect the general register of the factory.

(4) The Minister may make rules regulating the duties of certifying doctors.

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

(6) Every certifying doctor shall in each year make at the time appointed by the Minister a report in the prescribed form to the Minister as to examinations made and other duties performed by him in pursuance of this Act.

(7) If and so long as there is no certifying doctor for a factory, a district medical officer for the dispensary district in which the factory is situate shall act as the certifying doctor for the factory.

(8) References in the [Workmen's Compensation Act, 1934](#) (No. 9 of 1934), to a certifying surgeon shall be construed as references to a certifying doctor appointed under this section, and references to the certifying surgeon for the district in which the workman is employed, shall in a case where a workman is employed in a district for which no certifying doctor is appointed, be construed as references to the medical practitioner (if any) appointed by the Minister to have the powers and duties of a certifying surgeon under Part X of the [Workmen's Compensation Act, 1934](#), in such a case or, if no such appointment has been made, to the medical officer for the dispensary district in which the workmen is employed.

(9) The Civil Service Regulation Acts, 1924 and 1926, shall not apply to the office of certifying doctor.

Fees of certifying doctors.

97.—The fees to be paid to certifying doctors for carrying out their duties under this Act shall, so far as they relate to any examination or certificate with respect to the fitness of a young person for employment in a factory or to any examination or medical supervision of persons employed in a factory carried out in pursuance of regulations or an order under this Act, be paid by the occupier of that factory, and in any other case shall be paid by the Minister, and the fees shall be of such amounts as may be prescribed, but without prejudice to any agreement between a certifying doctor and the occupier of a factory for the payment by the occupier of fees of greater amounts than those prescribed.

Provisions as to regulations, orders and certificates of the Minister.

(Note: In view of the provisions of Regulations 57 to 61 of Chapter 1 of Part 6 of and Schedule 7 to the Safety, Health and Welfare at Work Act 2005 (No. 10 of 2005) relating to Regulations and Codes of Practice, the provisions of Section 99 of, and the Third Schedule to, the Factories Act 1955 may be obsolete also taking account of the earlier repeal of Section 71 of the 1955 Act - Power to make special regulations for safety and health.)

99.—(1) Every regulation made by the Minister under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either House, within the next twenty-one days on which that House has sat after the regulation has been laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

(2) The provisions contained in the Third Schedule to this Act shall apply to regulations which are referred to in this Act as special regulations.

(3) Any regulations or order made by the Minister under this Act may be made for a limited period or without limit of period and may be made subject to such conditions as he thinks fit, and may contain such supplemental and consequential provisions as he considers necessary for giving full effect to the regulations or order and may, except as otherwise expressly provided in this Act, be varied or revoked by subsequent regulations or by a subsequent order made in like manner as the original regulations or order.

(4) Any certificate issued by the Minister under this Act may be issued for a limited period or without limit of period and may be varied or revoked by the Minister.

PART XI OFFENCES, PENALTIES AND LEGAL PROCEEDINGS

Offences generally.

(Note: In view of the provisions of Regulations 77 to 85 of Part 7 of the Safety, Health and Welfare at Work Act 2005 (No. 10 of 2005) relating to offences and penalties, the provisions of Section 100 of the Factories Act 1955 may be obsolete.)

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

(2) In the event of a contravention by an employed person of section 125 of this Act (Note: Section 125 relating to duties of persons employed is now repealed.) or of a contravention by any person of any regulation or order made under this Act which expressly imposes any duty upon him, that person shall be guilty of an offence under this section and the occupier or owner, as the case may be, shall not be guilty of an offence by reason only of the contravention of the said section 125 (Note: Section 125 relating to duties of persons employed is now repealed.), or the contravention of the said regulation or order, as the case may be, unless it is proved that he failed to take all reasonable steps to prevent the contravention, but this subsection shall not be taken as affecting any liability of the occupier or owner in respect of the same matters by virtue of some provision other than the said section 125 (Note: Section 125 relating to duties of persons employed is now repealed.) or the said regulation or order.

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

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

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

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

(Note: As amended by Section 56(h) of the Safety in Industry Act 1980 and by Section 4(2) and the Fifth Schedule to the Safety, Health and Welfare at Work Act 1989.)

102.—Where the occupier or owner of a factory is convicted of an offence under this Act, the court may, in addition to or instead of inflicting a fine, order him, 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 Act in respect of the continuation of the contravention during the time allowed by the court, but if, after the expiration of that time as originally specified or enlarged by subsequent order, the order is not complied with, the occupier or owner, as the case may be, shall be guilty of an offence under this section.

Offence in case of death or injury.

(Note: As amended by Section 56(i) and the Fifth Schedule to the Safety in Industry Act 1980.)

103.—(1) If any person is killed, dies or suffers any bodily injury, in consequence of the occupier or owner of a factory having contravened any provision of this Act or any regulation or order made thereunder, the occupier or owner shall, without prejudice to any other offence, be guilty of an offence under this section, but—

(a) the occupier or owner shall not be guilty of an offence under this section if a prosecution against him under this Act, in respect of the act or default by which the death or injury was caused, has been heard and dismissed before the death or injury occurred,

(b) in the case of injury to health, the occupier or owner shall not be guilty of an offence under this section unless the injury was caused directly by the contravention.

(2) The whole or any part of a fine in respect of an offence under this section may be applied as the court determines and, in particular, the court may determine that the whole or any part of the fine shall be applied, in the case of a death, for the benefit of the family of the deceased or, in the case of an injury, for the benefit of the injured person or his family, but no such application shall operate to prevent the maintenance of any civil proceedings in relation to the death or injury.

Offence by parent.

(as amended by Section 56(j) of the Safety in Industry Act 1980 and by Section 58(e) of the Safety, Health and Welfare at Work Act 1989.)

104.—If a young person is employed in a factory in contravention of any provision of this Act, the parent of the young person shall, unless he shows that the contravention occurred without his consent, connivance or wilful default, be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding £100.

Offence by person actually committing offence for which occupier or owner is liable.

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

Proceedings against persons other than occupiers or owners.

108.—Where, under this Act, any person is substituted for the occupier or owner with respect to any provisions of this Act, any order, summons, notice or proceeding, which for the purpose of

any of those provisions is by or under this Act required or authorised to be served on or taken in relation to the occupier or owner, is hereby required or authorised (as the case may be) to be served on or taken in relation to that person.

Owner of machine liable in certain cases instead of occupier.

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

PART XII APPLICATION OF ACT

General application of Act.

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

Application to factories belonging to the State.

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

(2) The powers conferred by this Act on a sanitary authority shall, in the case of a factory belonging to or in the occupation of the State, or building operations or works of engineering construction undertaken by or on behalf of the State, be exercised by an inspector under this Act, and any notice required by this Act to be sent to a sanitary authority shall in any such case be sent to the Minister.

PART XIII MISCELLANEOUS

Preservation of registers and records.

(**Note:** Following the repeal of Section 122, general registers are no longer required to be kept under the Safety in Industry Acts 1955 and 1980.)

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

Prohibition of deductions from wages.

126.—Save as otherwise expressly provided under this Act, the occupier of a factory shall not in respect of anything to be done or provided by him in pursuance of this Act, 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.

FIRST SCHEDULE

Enactments Repealed

Session and Chapter	Short Title	Extent of Repeal
41 & 42 Vic., c. 52.	Public Health (Ireland) Act, 1878.	Sections 48 and 107 so far as they relate to factories within the meaning of this Act.
53 & 54 Vic., c. 59.	Public Health Acts Amendment Act, 1890.	Section 22 so far as it relates to factories within the meaning of this Act.
57 & 58 Vic., c. 42.	Quarries Act, 1894.	In section 1, the words "and any part of which is more than twenty feet deep"; Section 3.
1 Edw. VII, c. 22.	Factory and Workshop Act, 1901.	The whole Act.
6 Edw. VII, c. 49.	Census of Production Act, 1906.	Section 10.
6 Edw. VII, c. 33.	Notice of Accidents Act, 1906.	Section 4; Section 5 so far as it relates to factories and workshops.
7 Edw. V II, c. 39.	Factory and Workshop Act, 1907.	The whole Act.
8 Edw. VII, c. 42.	White Phosphorus Matches Prohibition Act, 1908.	Section 1.
1 & 2 Geo. V, c. 21.	Factory and Workshop (Cotton Cloth Factories) Act, 1911.	The whole Act.
6 & 7 Geo. V, c. 31.	Police, Factories, &c. (Miscellaneous, Provisions) Act, 1916.	Sections 7, 8 and 9.
10 & 11 Geo. V, c. 62.	Women and Young Persons (Employment in Lead Processes) Act, 1920.	The whole Act.

SECOND SCHEDEULE

(Note: As substituted by “Point 16 of the Schedule to the Safety in Industry Act 1980)

Table of Humidity

Dry Bulb Thermometer Readings		Wet Bulb Thermometer Readings	
Degrees Fahrenheit	Degrees Celsius	Degrees Fahrenheit	Degrees Celsius
50	10.0	48	8.9
51	10.6	49	9.4
52	11.1	50	10.0
53	11.7	51	10.6
54	12.2	52	11.1
55	12.8	53	11.7
56	13.3	54	12.2
57	13.9	55	12.8
58	14.4	56	13.3
59	15.0	57	13.9
60	15.6	58	14.4
61	16.1	59	15.0
62	16.7	60	15.6
63	17.2	61	16.1
64	17.8	62	16.7
65	18.3	63	17.2
66	18.9	64	17.8
67	19.4	65	18.3
68	20.0	66	18.9
69	20.6	67	19.4
70	21.1	68	20.0
71	21.7	68.5	20.3
72	22.2	69	20.6
73	22.8	70	21.1
74	23.3	70.5	21.4
75	23.9	71.5	21.9
76	24.4	72	22.2
77	25.0	73	22.8
78	25.6	73.5	23.1
79	26.1	74.5	23.6
80	26.7	75.5	24.2
81	27.2	76	24.4
82	27.8	76.5	24.7
83	28.3	77.5	25.3
84	28.9	78	25.6
85	29.4	79	26.1
86	30.0	80	26.7

THIRD SCHEDEULE

(Note: As amended by Section 48 of the Safety in Industry Act 1980 by the insertion of a new paragraph 3A.)

(Note: In view of the provisions of Regulations 57 to 61 of Chapter 1 of Part 6 of and Schedule 7 to the Safety, Health and Welfare at Work Act 2005 (No. 10 of 2005) relating to Regulations and Codes of Practice, the provisions of Section 99 of, and the Third Schedule to, the Factories Act 1955 may be obsolete, also taking account of the earlier repeal of Section 71 of the 1955 Act - Power to make special regulations for safety and health.)

Procedure for Making Special Regulations

1. Before the Minister makes any special regulations, he shall publish in the *Iris Oifigiúil*, and in such other manner as he may think best adapted for informing persons affected, notice of the proposal to make the regulations, and of the place where copies of the draft regulations may be obtained, and of the time (which shall be not less than twenty-one days) within which any objection made with respect to the draft regulations by or on behalf of persons affected must be sent to the Minister.

2. Every objection must be in writing and state—

- (a) the specific grounds of objection,
- (b) the omissions, additions, or modifications asked for.

3. The Minister shall consider any objection made by or on behalf of any persons appearing to him to be affected which is sent to him within the required time, and he may, if he thinks fit, amend the draft regulations and, after doing so, he shall, unless an inquiry has been held under this Schedule, cause the amended draft to be dealt with in like manner as an original draft.

3A. Where the Minister amends a draft of proposed special regulations and the amendment or each of the amendments, as the case may be, is a correction of a formal nature, the provisions of paragraph 3 of this Schedule requiring an amended draft to be dealt with in like manner as an original draft shall not apply in relation to that draft.

4. If after the publication of the notice with respect to any draft regulations (whether an original or amended draft) any general objection as hereinafter defined is made within the required time with respect to the draft and not withdrawn, then, unless a previous inquiry under this Schedule has been held with respect to the draft or some previous draft of the regulations or the Minister withdraws the draft regulations, he shall before making the regulations direct an inquiry to be held in the manner hereinafter provided. The Minister may, if he thinks fit, also direct such an inquiry to be held in regard to any objection, notwithstanding that no such general objection has been made or that such a previous inquiry has been held as aforesaid.

5. Where any such inquiry is to be held as to any draft regulations, the following provisions shall have effect with respect to the inquiry:

- (a) the Minister shall appoint a competent person or competent persons to hold the inquiry, and to report to him thereon,

(b) the inquiry shall be held in public, and any inspector and any objector and any other person who, in the opinion of the person holding the inquiry or, if there is more than one such person, of the person presiding over the inquiry, is affected by the draft regulations, may appear at the inquiry either in person or by counsel, solicitor, or agent,

(c) the witnesses may, if the person holding or presiding over the inquiry thinks fit, be examined on oath (which such person is hereby empowered to administer),

(d) subject as aforesaid, the inquiry and all proceedings preliminary and incidental thereto shall be conducted in accordance with rules made by the Minister and the rules may make provision as to the costs of the inquiry and other proceedings, including the remuneration of the person or persons holding the inquiry.

6. For the purposes of this Schedule the expression "general objection" means, as respects any draft regulations, an objection made—

(a) by or on behalf of the majority of the occupiers of the factories affected by the draft regulations or by or on behalf of the occupier or occupiers employing a majority of the persons employed in those factories; or by any person who satisfies the Minister that he or an association on behalf of which he acts, represents a majority of the persons employed in those factories, or

(b) by or on behalf of the majority of the occupiers of any class or description of factories affected as respects which it appears to the Minister that, by reason of special conditions existing in connection therewith, there is reason to believe that any of the requirements of the draft regulations may be unnecessary or inappropriate in the case of that class or description, or by or on behalf of the occupier or occupiers employing a majority of the persons employed in any such class or description of factories as aforesaid; or by any person who satisfies the Minister that he or an association on behalf of which he acts represents a majority of the persons employed in any such class or description of factories as aforesaid.

PART 2

Unofficial, Annotated, Text of Extant Stand-Alone Provisions of the Safety in Industry Act 1980 (No. 9 of 1980) (as at 27 September 2010)

SAFETY IN INDUSTRY ACT 1980

ARRANGEMENT OF SECTIONS

PART I PRELIMINARY AND GENERAL

[1 Short title, commencement, construction and collective citation.](#)

[2 Interpretation.](#)

[3 Definition of "factory" amended.](#)

[4 Amendment by order of Acts and section 3 of Principal Act. \(Note: i.e. the Factories Act 1955.\)](#)

PART II SAFETY AND NOTIFICATION OF ACCIDENTS

[24\(1\) Docks, wharves, quays and warehouses.](#)

PART III SAFETY REPRESENTATIVES, SAFETY COMMITTEES, SAFETY DELEGATES AND SAFETY STATEMENTS

Repealed

PART IV MISCELLANEOUS AMENDMENTS OF PRINCIPAL ACT

[43 Extension of sections 88 and 89 of Principal Act.](#)

PART V MISCELLANEOUS

[52 Fee payable to medical practitioners under section 76 of Principal Act. \(Note: i.e. the Factories Act 1955.\)](#)

[54 Certain publications privileged.](#)

[56 Penalties for offences under Principal Act increased. \(Note: i.e. the Factories Act 1955.\)](#)

SCHEDULE - Amendment of Principal Act, i.e. Factories Act 1955, (Metric Conversion or Provision of Metric Equivalents for Certain Imperial and Other Measurements)

AN ACT TO MAKE FURTHER PROVISIONS FOR SECURING THE SAFETY, HEALTH AND WELFARE OF PERSONS AT WORK, TO AMEND THE [FACTORIES ACT, 1955](#), AND TO MAKE OTHER PROVISIONS CONNECTED WITH THE MATTERS AFORESAID. [9th June, 1980]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

Short title, commencement, construction and collective citation.

1.—(1) This Act may be cited as the [Safety in Industry Act 1980](#).

(2) This section shall come into operation on the passing of this Act, and the other provisions of this Act shall come into operation on such day or days as may be fixed therefor by order or orders of the Minister, either generally or with reference to any particular purpose or provision, and different days may be so fixed for different purposes and different provisions of this Act.

(3) The Principal Act and this Act shall be construed together as one Act.

(4) The Principal Act and this Act may be cited together as the Safety in Industry Acts 1955 and 1980.

Interpretation.

2.—In this Act—

"the Acts" means the Safety in Industry Acts 1955 and 1980;

"approved" means approved for the time being by the Minister;

"functions" includes powers and duties;

"lifting tackle" includes clamps and similar attachments, chain slings, rope slings, rings, hooks, shackles, swivels, spreader beams and spreader frames;

"the Minister" means the Minister for Labour;

"plant" includes any electrical or other appliance or equipment (or any part thereof) or any other machine or machinery (or any part thereof), whether driven by mechanical power or not, including in particular a hoist, lift, lifting tackle, steam or other boiler, steam receiver, air receiver, transmission machinery or lifting machine;

"the Principal Act" means the [Factories Act 1955](#);

"safety officer" means a person who for the time being stands appointed under regulations made under section 57 or 71 of the Principal Act to be a safety officer; (**Note: As Sections 57 and 71 of the Factories Act 1955 are now repealed, this definition is obsolete.**)

"specified premises" means—

(Note: Paragraphs (a) and (b) repealed.)

- (c) a dock, wharf, quay or warehouse mentioned in section 86 (1) of the Principal Act or a line or siding mentioned in the said section 86 (1) or in section 88 (1) or 89 (1) of The Principal Act,
- (d) a dock, harbour or canal in which there is for the time being a ship which is being loaded, unloaded, coaled or otherwise bunkered,
- (e) any place where building operations described in section 88 (1) of the Principal Act or works of engineering construction described in section 89 (1) of that Act are being carried on.

Definition of "factory" amended.

3.—(1) (Note: subsection (1) incorporated in the unofficial consolidated text of Section 3(1) of the Factories Act 1955 above.)

(2) Where in premises which apart from this subsection are not a factory—

- (a) plant is being installed for the purpose of being used at work in the premises and the plant is such that were it to be so used therein the premises would by reason of such use be a factory, or
- (b) plant which was so used in the premises (or though not used in the premises was intended to be used at work in the premises) is being dismantled and either at the time when it was last being so used therein the premises were a factory, or the plant is such that were it to be used at work therein the premises would by reason of such use be a factory,

then for the purposes of this Act, for so long as the plant is being so installed or is being dismantled the said premises shall be, or as may be appropriate, shall continue to be, regarded as being a factory.

Amendment by order of Acts and section 3 of Principal Act. (Note: i.e. the Factories Act 1955.)

4.—(1) The Minister may by order amend any provision of the Acts so as to comply with any international obligations that the State has decided to assume and which relate, either exclusively or otherwise, to the safety, health or welfare of persons to whom the provisions of the Acts apply.

(2) The Minister may, for the purpose of extending the meaning of "factory" for the purpose of the Acts, by order amend section 3 of the Principal Act, as amended by this Act.

(3) The Minister may by order revoke or amend an order under this section including an order under this subsection.

(4) Where an order under this section is intended to be made by the Minister, a draft of the order shall be laid before each House of the Oireachtas and the order shall not be made until a resolution approving of the draft has been passed by each such House.

Docks, wharves, quays and warehouses.

24.—(1) Section 32 (inserted by section 17 of this Act), section 45 (Note: Section 45 is now repealed.) and section 58 (as amended by section 20 of this Act) of the Principal Act shall apply to every dock, wharf, or quay (including any warehouse belonging to the owners, trustees or conservators of the dock, wharf or quay and any line or siding used in connection with and for the purposes of the dock, wharf or quay and not forming part of a railway or tramway) and every other warehouse (not forming part of a factory) in or for the purposes of which mechanical power is used, as if it were a factory, or, pending the commencement of section 7(b) of this Act a factory to which the said section 45 applies, as may be appropriate, and as if the person having the actual use or occupation of it, or of any premises within or forming part of it, were the occupier of a factory.

Extension of sections 88 and 89 of Principal Act. (Note: i.e. Sections 88 and 89 of the Factories Act 1955.)

43.—(1) Subject to subsection (2) of this section, where a person undertakes building operations or works of engineering construction to which by virtue of Section 88 or 89 of the Principal Act provisions of that Act apply, then any person, other than the first-mentioned person or an employee of the first-mentioned person, who designs and controls or directs the operations or works, or supervises the manner in which or the method by which the operations or works are carried out, shall be deemed for the purposes of the said provisions, in their application to the operations or works, to be the occupier of a factory.

(Note: Subsection (2) of Section 43 is now obsolete as the provisions of the Factories Act 1955 relating to registers and abstracts are repealed.)

Fee payable to medical practitioners under section 76 of Principal Act. (Note: i.e. the Factories Act 1955.)

52.—(1) (Note: As amended by Section 58(b) of the Safety, Health and Welfare at Work Act 1989 (No. 7 of 1989). Subsection (1) of Section 52 is incorporated in the unofficial consolidated text of Section 76(1) of the Factories Act 1955 above.)

(2) The Minister may with the consent of the Minister for the Public Service by regulations fix the amount of the fee referred to in subsection (1) of this section, and in case regulations under this subsection are for the time being in force, section 76(1) of the Principal Act, as amended by subsection (1) of this section, shall be construed and have effect as if for the reference therein to £150 there were substituted a reference to the amount specified in the regulations.

Certain publications privileged.

54.—Where—

(a) a prohibition notice is served, or

(b)(i) there is known to the Minister, by virtue of the performance of his functions under this Act or otherwise, any fact or matter regarding a factory or specified premises, or any substance which the Minister believes to be in, or any process carried on at, a factory or specified premises, or

(ii) by virtue of such performance or otherwise the Minister knows, or believes to be the case, any other fact or matter, and

(iii) in either case, the fact or matter is in the opinion of the Minister relevant to the safety, health or welfare of persons employed at the factory or specified premises,

the Minister may in his absolute discretion publish the service or other fact or matter to a person who as regards the factory or specified premises concerned is for the time being a safety representative, safety delegate, a member of a safety committee or a safety officer, and in case such service, fact or matter is so published by the Minister, the publication shall enjoy qualified privilege.

(Note: As prohibition notices are no longer covered within the ambit of the Factories Act 1955 or the Safety in Industry Act 1980, a query arises as to whether paragraph (a) of Section 54 is obsolete.)

Penalties for offences under Principal Act increased.

56.—The following provisions shall have effect:

- (a) the maximum penalty for an offence under section 76(2), 76(5) of The Principal Act shall be a fine of £150, and, accordingly, each of those sections shall be construed and have effect as if the reference therein to five pounds were a reference to £150,

(Note: As amended by Section 58(b) and (c) of the Safety, Health and Welfare at Work Act 1989 (No. 7 of 1989). Taking account of the repeal of various provisions referenced therein, which are now obsolete, the only extant provisions appear to be the references in Section 56(a) to Section 76(2) and (5) of the “Principal Act”, i.e. the Factories Act 1955, relating to notification of industrial diseases. Those amendments have been incorporated in the unofficial consolidated text of Section 76(2) and (5) of the Factories Act 1955 above.)

SCHEDULE - Amendment of Principal Act, i.e. Factories Act 1955, (Metric Conversion or Provision of Metric Equivalents for Certain Imperial and Other Measurements)

(Note:

Extant provisions of the Schedule to the Safety in Industry Act 1980 :-

- Point “12. In section 63 (2) (b) "22.5 degrees Celsius (72½ degrees Fahrenheit)" and "26.7 degrees Celsius (80 degrees Fahrenheit)" are hereby substituted for "seventy-two and a half degrees" and "eighty degrees", respectively.”
- Point “13. In section 63 (2) (d) "15.56 degrees Celsius (60 degrees Fahrenheit)" and "11 grams of oxygen per litre (half a gram of oxygen per gallon)" are hereby substituted for "sixty degrees" and "half a gram of oxygen per gallon", respectively.”
- Point “14. In section 63 (4) "2.2 degrees Celsius (4 degrees Fahrenheit)" is hereby substituted for "four degrees".”
- Point “16. Substitution of Table of Humidity in the Second Schedule to the Factories Act 1955.”

have been incorporated in the unofficial consolidated text of the Factories Act 1955 above.)

PART 3

LIST OF EXTANT AND REPEALED PROVISIONS OF THE SAFETY IN INDUSTRY ACTS 1955 AND 1980 (at 22 October 2010)

Section (i) - List of Extant Provisions of the Safety in Industry Acts 1955 and 1980 in Section Order

Factories Act 1955 (No. 10 of 1955)	Safety in Industry Act 1980 (No. 9 of 1980)
Extant Provisions	Extant Provisions
Part I - Preliminary and General	Part I - Preliminary and General
Section 1 - Short title and commencement	Section 1 - Short title, commencement, construction and collective citation.
Section 2 - Interpretation generally (Amended by Section 40 of the Safety in Industry Act 1980 in relation to the definitions of "work of engineering construction" and "young person".)	Section 2 – Interpretation (Note: The definitions of "prohibition notice, safety committee, safety delegate and safety representative" and paragraphs (a) and (b) of the definition of "specified premises" in Section 2 of the Safety in Industry Act 1980 are already repealed.)
Section 3 - Interpretation of "factory" (Amended by Section 3 of the Safety in Industry Act 1980 in relation to the definition of "factory", the addition of new paragraphs (xviii) and (xix) and by Section 40 of the Safety in Industry Act 1980 in relation to the application of the Act to AnCO/FAS premises. Definition of "degrees" repealed)	Section 3(1) - Definition of "factory" in Section 3(1) of the Factories Act 1955 amended by the addition of new paragraphs (xviii) and (xix). Section 3(2) of the Safety in Industry Act 1980 remains as a "stand-alone" provision.
Section 4 - Application of Act to young persons employed in factories in certain occupations	Section 4 - Amendment by order of Acts and section 3 of Principal Act (Factories Act 1955)
Section 5 - Expenses incurred by Minister (Non-substantive "safety" administrative matter)	Section 7 - Repeals
Section 6 - Regulations in relation to prescribed matters (Non-substantive "safety" administrative matter)	
	Part II – Safety and Notification of Accidents
Section 7 - Repeals. (Non-substantive "safety" administrative matter)	Section 17 - Training and supervision of persons working at machines. (Substituted new provisions for Section 32 of the Factories Act 1955)
Section 8 - Continuation of certain orders, etc.	Section 18 - Cleaning of machinery.

(Non-substantive “safety” administrative matter)	(Substituted new provisions for Section 31 of the Factories Act 1955)
Section 9 - Construction of certain references	Section 20 - Removal of dust and fumes. (Amended Section 58 of the Factories Act 1955)
Part II - Health (General Provisions)	
Section 15 - Drainage of floors	
Section 16 - Slippery floors	Section 24 - Docks, wharves, quays and warehouses. (Note: Reference to section 45 in subsection (1) is repealed. See also Sections 17 and 58 of the Safety in Industry Act 1980.)
Section 20 - Power to require medical supervision	Section 25 - Construction and maintenance of floors, passages and stairs – amending Section 36 of the Factories Act 1955 - (Note: Subsection (b) repealed, Subsection (a) remains on statute book)
Part III - Safety (General Provisions)	Section 30 - Fixed vessels containing liquids etc. (Amended Section 29 of the Principal Act, i.e. the Factories Act 1955)
Section 21 - Prime movers	Section 31 - Steam boilers (Amended Section 40 of the Principal Act, i.e. the Factories Act 1955) (Note: Sections 40, 41 42 and 43 of the Factories Act 1955 and Sections 31, 32 and 33 of the Safety in Industry Act 1980 are scheduled for repeal from the coming into operation of the proposed draft Safety, Health and Welfare at Work (General Application) (Amendment) (No. 2) Regulations 2010 relating to Pressure Systems.)
Section 22 - Transmission machinery	Section 32 - Steam receivers (Amended Section 41 of the Principal Act, i.e. the Factories Act 1955) (Note: Sections 40, 41 42 and 43 of the Factories Act 1955 and Sections 31, 32 and 33 of the Safety in Industry Act 1980 are scheduled for repeal from the coming into operation of the proposed draft Safety, Health and Welfare at Work (General Application) (Amendment) (No. 2) Regulations 2010 relating to Pressure Systems.)
Section 23 - Machinery other than prime movers and transmission machinery	Section 33 - Air receivers (Amended Section 42 of the Principal Act, i.e. the Factories Act 1955) (Note: Sections 40, 41 42 and 43 of the

	Factories Act 1955 and Sections 31, 32 and 33 of the Safety in Industry Act 1980 are scheduled for repeal from the coming into operation of the proposed draft Safety, Health and Welfare at Work (General Application) (Amendment) (No. 2) Regulations 2010 relating to Pressure Systems.)
Section 26 - Provisions as to unfenced machinery (as amended by Section 7 of the Safety in Industry Act 1980 relating to the repeal of the word “male” in Section 26(2)).	
	Part III – Safety Representatives, Safety Committees, Safety Delegates and Safety Statements (Sections 35 to 39 now repealed in full)
	Part IV – Miscellaneous Amendments of Principal Act, i.e. Factories Act 1955
Section 29 - Vessels containing dangerous liquids (as amended by Section 30 of the Safety in Industry Act 1980)	Section 40 - Amendment of sections 2 and 3 of Principal Act, i.e. the Factories Act 1955, in relation to the amendment of the definitions of “work of engineering construction”, “young person” and the application of the Act to AnCO/FAS premises.
Section 31 - Cleaning of machinery by women and young persons. (New Section 31, entitled “Cleaning of machinery” substituted by Section 18 of the Safety in Industry Act 1980.)	Section 42(1) (as it relates to Section 39 of the “Principal Act”, i.e. the Factories Act 1955) - Amendment of sections 39, 72 and 85 of Principal Act (Note: As Sections 72 and 85 of the Factories Act 1955 are repealed, only subsection (1) of Section 42 remains on the statute book.)
Section 32 - Training and supervision of persons working at dangerous machines. (New Section 32, entitled “Training and supervision of persons working at machines” substituted by Section 17 of the Safety in Industry Act 1980.)	Section 43 - Extension of sections 88 and 89 of Principal Act, i.e. the Factories Act 1955. (By virtue of the repeal of Section 120 of the Factories Act 1955 and Section 46 of the Safety in Industry Act 1980, Section 43(2) of the Safety in Industry Act 1980 is now obsolete.)
Section 36(1) to (4) - Construction and maintenance of floors, passages and stairs	Section 47 - Metric conversion of, or provisions of metric equivalents for, certain measurements specified in Principal Act, i.e. the Factories Act 1955 – Application of provisions in the Schedule to the Safety in Industry Act 1980.
	Section 48 - Amendment of Third Schedule to Principal Act, i.e. the Factories Act 1955 relating to the amendment by the Minister of

	proposed special regulations by the insertion of a new paragraph 3A.
	Part V – Miscellaneous
Section 39 - Precautions with respect to explosive or inflammable dust gas, vapour or substance (as amended by Section 42 of the Safety in Industry Act 1980)	Section 51 - Certain medical practitioners enabled to issue certificates of fitness under section 80 of Principal Act, i.e. the Factories Act 1955.
Section 40 - Steam boilers (as amended by Sections 31 and 47 and the Schedule to the Safety in Industry Act 1980) (Note: Sections 40, 41 42 and 43 of the Factories Act 1955 and Sections 31, 32 and 33 of the Safety in Industry Act 1980 are scheduled for repeal from the coming into operation of the proposed draft Safety, Health and Welfare at Work (General Application) (Amendment) (No. 2) Regulations 2010 relating to Pressure Systems.)	Section 52 - Fee payable to medical practitioners under section 76 of Principal Act, i.e. the Factories Act 1955.
Section 41 - Steam receivers and steam containers (as amended by Section 32 of the Safety in Industry Act 1980) (Note: Sections 40, 41 42 and 43 of the Factories Act 1955 and Sections 31, 32 and 33 of the Safety in Industry Act 1980 are scheduled for repeal from the coming into operation of the proposed draft Safety, Health and Welfare at Work (General Application) (Amendment) (No. 2) Regulations 2010 relating to Pressure Systems.)	Section 54 - Certain publications privileged
Section 42 - Air receivers (as amended by Section 33 of the Safety in Industry Act 1980) (Note: Sections 40, 41 42 and 43 of the Factories Act 1955 and Sections 31, 32 and 33 of the Safety in Industry Act 1980 are scheduled for repeal from the coming into operation of the proposed draft Safety, Health and Welfare at Work (General Application) (Amendment) (No. 2) Regulations 2010 relating to Pressure Systems.)	Section 56 - Penalties for offences under Principal Act increased (Taking account of the repeal of various provisions referenced therein, which are now obsolete, the only extant provisions appear to be the references in Section 56(a) to Section 76(2) and (5) of the “Principal Act”, i.e. the Factories Act 1955, relating to notification of industrial diseases.)
Section 43 - Exceptions as to steam boilers, steam receivers and containers, and air receivers (Note: Sections 40, 41 42 and 43 of the Factories Act 1955 and Sections 31, 32 and 33 of the Safety in Industry Act 1980 are	Schedule - Amendment of Principal Act, i.e. Factories Act 1955, (Metric Conversion or Provision of Metric Equivalents for Certain Imperial and Other Measurements) Extant provisions: Point “12. In section 63(2)(b) “22.5 degrees

<p>scheduled for repeal from the coming into operation of the proposed draft Safety, Health and Welfare at Work (General Application) (Amendment) (No. 2) Regulations 2010 relating to Pressure Systems.)</p>	<p>Celsius (72½ degrees Fahrenheit)" and "26.7 degrees Celsius (80 degrees Fahrenheit)" are hereby substituted for "seventy-two and a half degrees" and "eighty degrees", respectively."</p> <p>Point "13. In section 63(2)(d) "15.56 degrees Celsius (60 degrees Fahrenheit)" and "11 grams of oxygen per litre (half a gram of oxygen per gallon)" are hereby substituted for "sixty degrees" and "half a gram of oxygen per gallon", respectively."</p> <p>Point "14. In section 63(4) "2.2 degrees Celsius (4 degrees Fahrenheit)" is hereby substituted for "four degrees"."</p> <p>Point "16. Substitution of Table of Humidity in the Second Schedule to the Factories Act 1955."</p>
<p>Section 50 - Power of the District Court to make orders as to dangerous conditions and practices</p>	
<p>Section 51 - Power of the District Court to make orders as to dangerous factory</p>	
<p>Part IV - Welfare (General Provisions)</p>	
<p>Section 53(1) - Washing facilities (Section 53(2) and (3) repealed)</p> <p>(Note: Subsection (1) was originally amended by Section 16 of the Safety in Industry Act 1980, which Section itself was repealed under the Safety, Health and Welfare at Work Act 1989 (Repeals and Revocations)(Order) 1995 (S.I. No. 357 of 1995). A question, therefore, arises as to whether Section 53(1) still remains on the statute book?)</p>	
<p>Part V - Health, Safety and Welfare (Special Provisions and Regulations)</p>	
<p>Section 58 - Removal of dust or fumes (as amended by Section 20 of the Safety in Industry Act 1980)</p>	
<p>Section 59(1) and (2) - Meals in certain dangerous trades (Section 59(3) already repealed)</p>	
<p>Section 62 - Prohibition of use of white</p>	

phosphorus in manufacture of matches	
Section 63 Humid factories - (as amended by Section 47 and the Schedule to the Safety in Industry Act 1980)	
Section 67(1) - Lifting excessive weights	
Part VI - Notification and Investigation of Accidents and Industrial Diseases	
Section 76 - Notification of industrial diseases (as amended by Sections 52 and 56(a) of the Safety in Industry Act 1980 and by Section 58(b) and (c) of the Safety, Health and Welfare at Work Act 1989)	
Section 79 - Investigation and report in certain cases	
Part VII - Certificates of Fitness in Respect of Young Persons	
<u>Section</u> 80 - Certificates of fitness for employment of young persons (as amended by Section 51 of the Safety in Industry Act 1980)	
Part VIII - Special Applications and Extensions	
<u>Section</u> 82 - Premises where part of building is separate factory	
Section 86 - Docks, wharves, and warehouses (as amended by Sections 7(f) and 24(2) of the Safety in Industry Act 1980, as regards Section 86(3))	
Section 86(1)(b), (d), (f), (g), (i), (k) and (l) already repealed. To be considered whether Section 86(1)(c) should be added to the provisions to be proposed for repeal from the coming into operation of the proposed draft Safety, Health and Welfare at Work (General Application) (Amendment) (No. 2) Regulations 2010 relating to Pressure Systems.	
Section 87 - Ships	
Section 88 - Building operations (as amended by Section 43 of the Safety in Industry Act 1980)	
Section 89 - Works of engineering construction (as amended by Section 43 of the Safety in Industry Act 1980)	

Part IX - Home Work (Sections 91 and 92 now repealed in full)	
Part X - Administration	
Section 96 - Appointment and duties of certifying doctors	
Section 97 - Fees of certifying doctors.	
Section 99 - Provisions as to regulations, orders and certificates of the Minister	
Part XI - Offences, Penalties and Legal Proceedings	
Section 100 - Offences generally	
Section 102 - Power of court to order cause of contravention to be remedied (as amended by Section 56(h) of the Safety in Industry Act 1980 and by Section 4(2) and the Fifth Schedule to the Safety, Health and Welfare at Work Act 1989.)	
Section 103 - Offence in case of death or injury (as amended by Section 56(i) of the Safety in Industry Act 1980 and also amended by Section 4(2) and the Fifth Schedule to the Safety, Health and Welfare at Work Act 1989.)	
Section 104 - Offence by parent (as amended by Section 56(j) of the Safety in Industry Act 1980 and by Section 58(e) of the Safety, Health and Welfare at Work Act 1989.)	
Section 106 - Offence by person actually committing offence for which occupier or owner is liable	
Section 108 - Proceedings against persons other than occupiers or owners	
Section 109 - Owner of machine liable in certain cases instead of occupier	
Part XII - Application of Act	
Section 117 - General application of Act	
Section 118 - Application to factories belonging to the State	
Part XIII – Miscellaneous	
Section 123 - Preservation of registers and records (Note: Following the repeal of Section 122, general registers are no longer required to be kept under the Safety in Industry Acts 1955 and 1980.)	
<u>Section 126 - Prohibition of deductions from</u>	

wages	
First Schedule - Enactments Repealed	
Second Schedule - Table of Humidity (Substituted by "Point 16 of the Schedule to the Safety in Industry Act 1980)	
Third Schedule - Procedure for Making Special Regulations (Amended by Section 48 of the Safety in Industry Act 1980 by the insertion of a new paragraph 3A.)	

Section (ii) – Full List of Repealed Provisions of the Safety in Industry Acts 1955 and 1980 in Section Order

Factories Act 1955	Safety in Industry Act 1980
Repealed Provisions	Repealed Provisions
In section 2(1) - Interpretation generally - the definition of "degrees"	In section 2, the definitions of – "prohibition notice, safety committee, safety delegate and safety representative" and paragraphs (a) and (b) of the definition of "specified premises".
Section 10 - Cleanliness	Section 5 - Regulations for safety and health (Repealed through the repeal of Section 71 of the Factories Act 1955.)
Section 11 - Overcrowding	Section 6 - Service and sending of documents
Section 12 - Temperature	Section 8 – Duties of persons employed
Section 13 - Ventilation	Section 9 - General duties of manufacturers etc. as regards plant for use at work
Section 14 - Lighting	Section 10 - Power of Minister to require plant to be examined and tested and to require certain reports
Section 17 - Sanitary conveniences	Section 11 - Prohibition notices
Section 18 - Powers of inspector as to sanitary defects remediable by sanitary authority	Section 12 - Place of employment and means of access or egress to be safe
Section 19 - Powers in case of default of sanitary authority	Section 13 - Noise
Section 24 - Safety devices	Section 14 - Temperature
Section 25 - Fencing of materials or articles	Section 15 - Accommodation for taking meals, etc.
In section 26(2) - Provisions as to unfenced machinery - the word "male"	Section 16 - Washing facilities
Section 27 - Construction and maintenance of fencing	Section 19 - Protection of eyes
Section 28 - Construction of machinery	Section 22 - Means of escape in case of fire; means of giving fire warning to be examined and tested (incorporating Section 45 of the

	Factories Act 1955)
Section 30 - Self-acting machines	Section 23 - Fire drill (incorporating Section 48 of the Factories Act 1955)
Section 33 - Hoists and lifts	Section 25 - Construction and maintenance of floors, passages and stairs – amending Section 36 of the Factories Act 1955 - (Note: Subsection (b) repealed, Subsection (a) remains on statute book)
Section 34 - Chains, ropes and lifting tackle	Section 26 - Rain etc. to be excluded from workrooms etc.
Section 35 - Cranes and other lifting machines (as amended by Section 28 of the Safety in Industry Act 1980 – now also repealed)	Section 27 - Fire extinguishers, etc.
Section 36(5) - Construction and maintenance of floors, passages and stairs - (as inserted by Section 25 of the Safety in Industry Act 1980)	Section 28 - Cranes and other lifting machines (Amended Section 35 of the Principal Act, i.e. the Factories Act 1955, now repealed)
Section 37 - Safe means of access and safe place of employment	Section 29 - Hoists, lifts, cranes and other lifting machines, chains, ropes and other lifting tackle
In section 40(14) - Steam boilers - (as inserted by Section 56(b) of the Safety in Industry Act 1980) the words "and shall be liable on summary conviction thereof to a fine not exceeding £150".	Section 34 - Notification and recording of accidents.
Section 44 - Precautions as respects water-sealed gasholders	Section 35 - Safety representative
Section 45 - Means of escape in case of fire (incorporating Section 22 of the Safety in Industry Act 1980)	Section 36 - Safety committee and safety delegate
Section 46 - Regulations and bye-laws as to means of escape in case of fire	Section 37 - Safety representative or safety committee to be appointed by occupier in certain circumstances
Section 47 - Safety provisions in case of fire	Section 38 - Minister may cause certain investigations to be carried out on receipt of request from safety representative, safety committee or safety officer
Section 48 - Instructions as to use of means of escape in case of fire (incorporating Section 23 of the Safety in Industry Act 1980)	Section 39 - Safety statements
Section 49 - Power of Minister to require special safety arrangements for the prevention of accidents	Section 41 - Application of section 37 of Principal Act to certain electrical stations, now repealed.
Section 52 - Supply of drinking water	Section 42(2) and (3) - Amendment of sections 39, 72 and 85 of Principal Act (Note: As Sections 72 and 85 of the Factories Act 1955

	are repealed, only subsection (1) of Section 42 remains on the statute book.)
Section 53(2) and (3) - Washing facilities	Section 44 - Amendment of section 111 of Principal Act, i.e. the Factories Act 1955
Section 54 - Accommodation for clothing	Section 45 - Amendment of section 112 of Principal Act, i.e. the Factories Act 1955
Section 55 - Facilities for sitting	Section 46 - Amendment of section 120(1) of Principal Act, i.e. the Factories Act 1955 - Repealed (obsolete) through the repeal of Section 120 in 1995.
Section 56 - First-aid	Section 49 - Chairman of Advisory Council
Section 57 - Welfare regulations	Section 50 - Industrial medical advisers
Section 59(3) - Meals in certain dangerous trades	Section 53 - Powers of inspectors to take samples, etc.
Section 60 - Protection of eyes in certain processes	Section 55 - Prosecution of offences
Section 61 - Shuttle threading by mouth suction	Section 56 - Penalties for offences under Principal Act increased (Taking account of the repeal of various provisions referenced therein, which are now obsolete, the only extant provisions appear to be the references in Section 56(a) to Section 76(2) and (5) of the "Principal Act", i.e. the Factories Act 1955, relating to notification of industrial diseases.)
Section 64 - Underground rooms	
Section 65 - Basement bakehouses	
Section 66 - Laundries	
Section 67(2) - Lifting excessive weights	
Section 68 - Prohibition of employment of female young persons where certain processes are carried on	
Section 69 - Prohibition of employment of women and young persons in certain processes connected with lead manufacture	
Section 70 - Provisions as to employment of women and young persons in processes involving use of lead compounds	
Section 71 - Power to make special regulations for safety and health	
Section 72 - Power to take samples	
Section 73 - Safety Committee and Safety Delegate	
Section 74 - Notification of accidents (as amended by Section 34 of the Safety in	

Industry Act 1980)	
Section 75 - Power to extend to dangerous occurrences provisions as to notice of accidents	
<u>Section 77</u> - Inquest in case of death by accident or industrial disease.	
<u>Section 78</u> - Power to direct formal investigation of accidents and cases of disease.	
Section 81 - Multiple factories	
Section 83 - Application of Act to electrical stations	
Section 84 - Institutions	
Section 85 - Certain premises subject to inspection	
Section 86 - Docks, wharves, and warehouses— Section 86(1)(b), (d), (f), (g), (i), (k) and (l).	
In section 86(3) the words "women and"	
Section 90 - Employment of women and young persons in places other than factories in processes connected with lead manufacture or involving the use of lead compounds	
Section 91 - Lists of outworkers to be kept in certain trades	
Section 92 - Employment of person in unwholesome premises	
Section 93 - Inspectors	
Section 94 - Powers of Inspectors	
Section 95 - Certificate of authorisation to act as inspector	
Section 98 - Provisions as to sanitary authorities.	
<u>Section 101</u> - Fines for offences for which no express penalty provided	
In section 102 (as inserted by Section 56(h) of the Safety in Industry Act 1980 and as amended by Section 4(2) and the Fifth Schedule to the Safety, Health and Welfare at Work Act 1989) the words "and shall be liable on summary conviction thereof to a fine (not exceeding £600 in all) not exceeding £15 for each day on which the non-compliance continues".	
In section 103(1) (as inserted by Section 56(i) of the Safety in Industry Act 1980 and as amended by Section 4(2) and the Fifth	

Schedule to the Safety, Health and Welfare at Work Act 1989 the words "and shall be liable on summary conviction thereof to a fine not exceeding £500".	
<u>Section 105</u> - Forgery of certificates, etc.	
<u>Section 107</u> - Exemption of occupier or owner in certain cases	
<u>Section 110</u> - Prosecution of offences, etc.	
<u>Section 111</u> - Appeals from orders made on complaint	
<u>Section 112</u> - Special provisions as to evidence	
<u>Section 113</u> - Service and sending of documents (as substituted in Section 6 of the Safety in Industry Act 1980)	
<u>Section 114</u> - Certificates of birth	
Section 115 - Power of Circuit Court to modify agreements	
Section 116 - Power of Circuit Court to apportion expenses	
Section 119 - Notice of occupation of factory, and use of mechanical power	
Section 120 - Posting of abstract of Act and notices	
Section 121 - Posting and giving copies of special regulations	
Section 122 - General registers	
Section 124 - Periodical return of persons employed	
<u>Section 125</u> - Duties of persons employed.	
<u>Section 127</u> - Advisory Council	
Section 128 -Provisions as to quarries and pit banks (Repealed by Section 10 of the Mines and Quarries Act 1965)	

Section (iii) - List of Repealed Provisions of the Safety in Industry Acts 1955 and 1980 in Chronological Order

(a) Repeals of the Factories Act 1955 under Section 7 of the Safety in Industry Act 1980

- (a) in section 2(1) the definition of "degrees",
- (b) subsections (18) and (19) of section 45,
- (c) sections 34(3), 47(3), 73 and 119(2),

(d) in section 26(2) the word "male",

(e) in section 47(4) the words "constructed after the coming into operation of this section", and

(f) in section 86(3) the words "women and".

(b) Repeals of the Safety in Industry Acts 1955 and 1980 under Section 4(1) and (2) and the Fifth Schedule to the Safety, Health and Welfare at Work Act 1989

Factories Act 1955	Safety in Industry Act 1980
Repealed Provisions	Repealed Provisions
<u>Section 113</u> - Service and sending of documents.	Section 8 - Duties of persons employed
<u>Section 125(1)</u> - Duties of persons employed.	<u>Section 9</u> - General duties of manufacturers etc. as regards plant for use at work
<u>Section 73</u> - Safety Committee and Safety Delegate.	<u>Section 39</u> - Safety statements
<u>Section 127</u> - Advisory Council.	<u>Sections 35, 36, 37 and 38</u> - Safety representative, Safety committee and safety delegate, Safety representative or safety committee to be appointed by occupier in certain circumstances and Minister may cause certain investigations to be carried out on receipt of request from safety representative, safety committee or safety officer, respectively
Sections 93 to 95 - Inspectors, Powers of Inspectors and Certificate of authorisation to act as inspector, respectively.	<u>Section 49</u> - Chairman of Advisory Council
<u>Section 78</u> - Power to direct formal investigation of accidents and cases of disease.	<u>Section 53</u> - Powers of inspectors to take samples, etc.
<u>Section 110</u> - Prosecution of offences, etc.	<u>Section 11</u> - Prohibition notices
<u>Section 111</u> - Appeals from orders made on complaint.	<u>Section 55</u> - Prosecution of offences
<u>Section 112</u> - Special provisions as to evidence.	
<u>Section 114</u> - Certificates of birth.	
In section 40(14) (as inserted by the Safety in Industry Act, 1980) the words "and shall be liable on summary conviction thereof to a fine not exceeding £150".	
In section 72(4) (as inserted by the Safety in Industry Act 1980) the words "and shall be liable on summary conviction thereof to a fine not exceeding £300".	

In section 74(6) (as inserted by the Safety in Industry Act 1980) the words "and shall be liable on summary conviction thereof to a fine not exceeding £150.	
In section 98(5) (as inserted b the Safety in Industry Act 1980) the words "and shall be liable on summary conviction thereof to a fine not exceeding £300 or, at the discretion of the Court, to imprisonment for a term not exceeding three months or to both such fine and such imprisonment".	
Section 101 - Fines for offences for which no express penalty provided.	
In section 102 (as inserted by the Safety in Industry Act 1980 and as amended by Section 4(2) and the Fifth Schedule to the Safety, Health and Welfare at Work Act 1989) the words "and shall be liable on summary conviction thereof to a fine (not exceeding £600 in all) not exceeding £15 for each day on which the non-compliance continues".	
In section 103(1) (as inserted by the Safety in Industry Act 1980 and as amended by Section 4(2) and the Fifth Schedule to the Safety, Health and Welfare at Work Act 1989) the words "and shall be liable on summary conviction thereof to a fine not exceeding £500".	
Section 105 - Forgery of certificates. etc.	

(c) Repeals of the Safety in Industry Acts 1955 and 1980 under Section 55(2) and (3) of the Safety, Health and Welfare at Work Act 1989

Factories Act 1955	Safety in Industry Act 1980
Repealed Provisions	Repealed Provisions
Section 45 - Means of escape in case of fire (as amended by the Safety in Industry Act 1980)	Section 27 - Fire extinguishers, etc.
Section 46 - Regulations and bye-laws as to means of escape in case of fire.	
Section 47 - Safety provisions in case of fire (as amended by the Safety in Industry Act 1980)	
Section 48 - Instructions as to use of means of escape in case of fire.	

Section 122(2) – General Registers.	
-------------------------------------	--

(d) Safety, Health and Welfare at Work Act 1989 (Repeals) Order 1989 (S.I. No. 237 of 1989)

Factories Act 1955	Safety in Industry Act 1980
Repealed Provisions	Repealed Provisions
Section 77 - Inquest in case of death by accident or industrial disease.	

(e) Safety, Health and Welfare at Work Act 1989 (Repeals and Revocations) Order 1995 (S.I. No. 357 of 1995)

Factories Act 1955	Safety in Industry Act 1980
Repealed Provisions	Repealed Provisions
Sections 10 to 14, 17 to 19, 24, 25, 27, 28, 30, 36(5) (as inserted by section 25 of the Safety in Industry Act 1980), 37, 44, 49, 52, 53(2) and (3), 54, 55, 56, 57, 59(3), 60 to 61, 64 to 66, 67 (2), 68 to 72, 74, 75, 81, 83 to 85, 86(1)(b), (d), (f), (g), (i), (k) and (l), 90 to 92, 98, 107, 119 to 121, 122 (1) and (3), 124 and 125(2).	<p>In section 2, the definitions of –</p> <p>"prohibition notice, safety committee, safety delegate and safety representative" and paragraphs (a) and (b) of the definition of "specified premises".</p> <p>Section 5 - Regulations for safety and health (Repealed through the repeal of Section 71 of the Factories Act 1955.)</p> <p>Sections 10, 12 to 14, 15, 16, 19, 26, 34, 41, 42(2) and (3), 44, 45 and 50.</p>

(f) Safety, Health and Welfare at Work Act, 1989 (Repeal of Section 38 of Factories Act 1955) (Commencement) Order 2001 (S.I. No. 219 of 2001)

Factories Act 1955	Safety in Industry Act 1980
Repealed Provisions	Repealed Provisions
Section 38 Precautions in places where dangerous fumes are liable to be present (as amended by Section 21 of the Safety in Industry Act 1980)	Section 21

(g) Safety, Health and Welfare at Work Act 2005 (Repeals)(Commencement) Order 2007 (S.I. No. 300 of 2007)

Factories Act 1955	Safety in Industry Act 1980
Repealed Provisions	Repealed Provisions
Section 33 - Hoists and lifts	Section 28 - Cranes and other lifting machines
Section 34 - Chains, ropes and lifting tackle	Section 29 - Hoists, lifts, cranes and other lifting machines, chains, ropes and other lifting tackle
Section 35 - Cranes and other lifting machines	
Section 115 - Power of Circuit Court to modify agreements	
Section 116 - Power of Circuit Court to apportion expenses.	

PART 4

**PROPOSALS FOR POSSIBLE REPEALS OF THE SAFETY IN INDUSTRY ACTS
1955 AND 1980 PENDING (at 27 September 2010)**

The proposed draft Safety, Health and Welfare at Work Act 2005 (Miscellaneous Repeals) (Commencement) Order 2010, which is currently under development, *inter alia*, is intended to activate the repeal of Sections 40, 41 42 and 43 of the Factories Act 1955 (No. 10 of 1955) as amended by sections 31, 32 and 33 of the Safety in Industry Act 1980 (No. 9 of 1980), from the coming into operation of the proposed draft Safety, Health and Welfare at Work (General Application) (Amendment) (No. 2) Regulations 2010 relating to Pressure Systems.

27 September 2010