



# THE OFFICIAL GAZETTE

## OF THE COLONY AND PROTECTORATE OF KENYA

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GOVERNMENT NOTICE NO 332

The Governor in Council has approved of the following Bill being introduced into the Legislative Council

ALEX M WILKIE,  
*Acting Clerk to the Legislative Council*

### THE FACTORIES ORDINANCE, 1950

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SCHEDULES

**A BILL ENTITLED**  
**AN ORDINANCE TO MAKE PROVISION FOR THE**  
**HEALTH, SAFETY AND WELFARE OF PERSONS**  
**EMPLOYED IN FACTORIES AND OTHER PLACES,**  
**AND FOR MATTERS INCIDENTAL THERETO**  
**AND CONNECTED THEREWITH**

ENACTED by the Governor of the Colony of Kenya,  
 with the advice and consent of the Legislative Council thereof,  
 as follows —

Short title and  
 commencement

1. This Ordinance may be cited as the Factories Ordinance, 1950, and shall, except as otherwise provided, come into operation on the                      day of                      , 19

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

PART I—APPLICATION OF ORDINANCE

General  
 application  
 of Ordinance

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

Application  
 to factories  
 belonging to  
 Government

3. This Ordinance applies to factories belonging to or in the occupation of His Majesty's Government or the Government of the Colony, or the High Commission

Power to exempt  
 in case of public  
 emergency

4. In case of any public emergency the Governor may, by order, to the extent and during the period named in the order exempt from this Ordinance either factories generally or any class or description of factory

PART II—INTERPRETATION

Interpretation  
 of expression  
 "factory"

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

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

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) the expression "factory" also includes the following premises in which persons are employed in manual labour, that is to say—

- (i) any yard or dry dock (including the precincts thereof) in which ships or vessels are constructed, reconstructed, repaired, refitted, finished or broken up,

- (ii) any premises in which the business of washing or filling bottles or containers or packing articles is carried on incidentally to the purposes of any factory,
- 5 (iii) 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
- 10 vehicles where only cleaning, washing, running repairs or minor adjustments are carried out,
- (iv) any premises in which printing by letterpress, lithography, photogravure or other similar process, or bookbinding is carried on by way of trade or for
- 15 purposes of gain or incidentally to another business so carried on,
- (v) any premises in which mechanical power is used in connexion with the making or repair of articles of metal or wood incidentally to any business carried
- 20 on by way of trade or for purposes of gain,
- (vi) any premises in which articles are made or prepared incidentally to the carrying on of building operations or works of engineering construction, not being
- 25 premises in which such operations or works are being carried on,
- (vii) any premises in which persons are regularly employed in or in connexion with the generating of electrical energy for supply by way of trade, or for supply for
- 30 the purposes of any industrial or commercial undertaking or of any public building or public institution, or for supply to streets or other public places,
- (viii) any premises in which mechanical power is used for the purposes of or in connexion with a water supply, being premises in which persons are regularly
- 35 employed,
- (ix) any sewage works in which mechanical power is used and any pumping station used in connexion with any sewage works
- (2) Any line or siding (not being part of a railway), which
- 40 is used in connexion with and for the purposes of a factory, shall be deemed to be part of the factory, and if any such line or siding is used in connexion with more than one factory belonging to different occupiers, the line or siding shall be deemed to be a separate factory
- 45 (3) Any workplace in which, with the permission of or under agreement with the owner or occupier, two or more persons carry on any work which would constitute the workplace a factory if the persons working therein were in the employment of the owner or occupier, shall be deemed to be
- 50 a factory for the purposes of this Ordinance, and, in the case of any such workplace, the provisions of this Ordinance 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
- 55 (4) No 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 to be a factory
- (5) Where a place situate within the close, curtilage, or
- 60 precincts forming a factory is solely used for some purpose other than the processes carried on in the factory, that place

shall not be deemed to form part of the factory for the purposes of this Ordinance, but shall, if otherwise it would be a factory be deemed to be a separate factory

(6) Premises shall not be excluded from the definition of a factory by reason only that they are open air premises 5

(7) Any premises belonging to or in the occupation of His Majesty's Government or the Government of the Colony or the High Commission, or any local authority, shall not be deemed not to be a factory by reason only that the work carried on thereat is not carried on by way of trade or for purposes 10 of gain

General  
interpretation

6. (1) In this Ordinance, unless the context otherwise requires—

“article” includes any solid, liquid or gas, or any combination thereof, 15

“bodily injury” includes injury to health,

“building operation” means the construction, structural alteration, repair or maintenance of a building (including re-pointing, redecoration and external cleaning of the structure), the demolition of a building, and the preparation for and 20 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 Ordinance,

“chief inspector” means the chief inspector appointed under this Ordinance, 25

“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 failure to comply with that provision, and the expression “contravene” shall be construed accordingly, 30

“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 62 of this Ordinance,

“Government of the Colony” includes any department 35 thereof,

“High Commission” includes any department thereof,

“His Majesty's Government” includes any department thereof,

“inspector” means an inspector appointed under this 40 Ordinance,

“Labour Advisory Board” means the Labour Advisory Board appointed by the Governor by Government Notice No 1066 of the 12th day of December, 1945, or any other Board appointed by the Governor to take the place of and to perform 45 the functions of such Board,

“local authority” means—

(a) in the case of an area under the jurisdiction of a municipal council or municipal board, such council or board, 50

(b) in the case of an area under the jurisdiction of a district council, such district council,

(c) in the case of a township, the district commissioner, acting with the advice of the township committee where any such committee has been established, 55

(d) in the case of any area under the jurisdiction of a local native council, such council,

(e) in the case of any other area, such person or body of persons as the Governor may, by notice in the Gazette, declare to be the local authority for the pur- 60 poses of this Ordinance;

"machinery" includes any driving-belt,

"magistrate's court" means a subordinate court of the first or second class,

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

"Member" means the Member of the Executive Council of the Colony for the time being responsible for labour matters,

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

"prescribed" means prescribed by order of the Member,

"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 used in connexion with and for the purposes of the railway,

"sanitary conveniences" includes urinals, water-closets, earth-closets, privies, ashpits and any similar convenience,

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

"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,

"work of engineering construction" means the construction of any railway line or siding, and the construction, structural alteration or repair (including repointing and repainting) or the demolition of any dock, harbour, inland navigation, tunnel, bridge, viaduct, waterworks, reservoir, pipe-line, aqueduct, sewer, sewage works, or gasholder and shall include such other works as may be specified by the Governor in Council by order

(2) For the purposes of this Ordinance, machinery or plant shall be deemed to have been constructed or reconstructed before the passing of this Ordinance or the making of rules under this Ordinance, 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 Ordinance or the coming into operation of any provision of this Ordinance, if the construction, reconstruction, extension, addition, or conversion was begun before the passing or commencement of this Ordinance, or the making of rules under this Ordinance, or the coming into operation of any provision of this Ordinance, as the case may be

(3) For the purposes of this Ordinance, mechanical power shall not be deemed to be used in a factory 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 Ordinance, an apprentice shall be deemed to be a person employed



## PART III—REGISTRATION OF FACTORIES

Register of  
factories

7. The chief inspector shall keep a register of factories, in which he shall cause to be entered such particulars in relation to every factory required to be registered under this Ordinance as he may consider necessary or desirable 5

Registration of  
existing factories

8. (1) Every person who at the commencement of this Ordinance occupies a factory shall, within one month after such commencement, apply for the registration of such factory by sending to the chief inspector a written notice containing the particulars set out in the First Schedule to this Ordinance 10

(2) Upon receipt of such notice as aforesaid, the chief inspector shall cause the factory to be registered and shall issue to the occupier a certificate of registration in the form set out in the Second Schedule to this Ordinance

Registration of  
new factories

9 (1) Before any person occupies or uses as a factory 15 any premises which were not so occupied or used by him at the commencement of this Ordinance, he shall apply for the registration of such premises by sending to the chief inspector a written notice containing the particulars set out in the First Schedule to this Ordinance 20

(2) Upon receipt of such notice and on being satisfied that the premises are suitable for use as a factory of the nature stated in the notice, the chief inspector shall cause the premises to be registered and shall issue to the applicant a certificate of registration in the form set out in the Second Schedule to this Ordinance 25

(3) Any person who, without having been issued with a certificate of registration as aforesaid, occupies or uses as a factory any premises which were not so occupied or used by him at the commencement of this Ordinance shall be guilty of 30 an offence and liable on conviction thereof to a fine not exceeding two thousand shillings, or to imprisonment for a term not exceeding three months, or to both such penalties, and if the contravention in respect of which he was so convicted is continued after the conviction, he shall be guilty of a further 35 offence and liable in respect thereof to a fine not exceeding one hundred shillings, or to imprisonment for a term not exceeding seven days, or to both such penalties, for each day on which the offence was so continued

(4) Where the chief inspector refuses to issue a certificate 40 of registration under this section he shall if so required by the applicant, state in writing the grounds of such refusal

Notification  
of use of  
mechanical  
power

10. Not less than one month before the date upon which mechanical power is first used in any factory, the occupier shall send to the labour officer for the area or, where there is no such 45 officer, to the chief inspector a written notice stating the nature of such mechanical power

Appointment  
of Factories  
Appeal Board

11. (1) Subject to the provisions of sub-section (2) of this section, the Member may, by notice in the Gazette, appoint such persons as he thinks fit to be a Factories Appeal Board 50 for the purpose of hearing and determining any appeal that may be submitted to it under the provisions of section 12 of this Ordinance

(2) The Board shall consist of a chairman, who shall be a judge of the Supreme Court or such other person as the Chief 55 Justice may nominate, and not less than three other members

(3) At any meeting of the Board a quorum shall be the chairman and one other member

(4) The Member may make rules regulating the procedure of the Board and, in the absence of any such rules, the Board 60 shall regulate its own procedure



**12.** (1) If any person is aggrieved by a decision of the chief inspector under section 9 of this Ordinance, he may within thirty days from the date of such decision, send to the chairman of the Factories Appeal Board written notice of his intention to appeal to the Board against the decision, and such notice shall state the grounds of the appeal

Appeal to  
Board from  
decision of chief  
inspector

(2) On receipt of such written notice as aforesaid, the chairman of the Board shall appoint a day and place for the hearing of the appeal, and shall notify the parties concerned in the appeal

(3) The Board may, on hearing the appeal confirm, vary or reverse the decision of the chief inspector, and the decision of the Board shall be final

#### PART IV—HEALTH (GENERAL PROVISIONS)

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

Cleanliness

(a) accumulations of dirt and refuse shall be removed daily by a suitable method from the floors and benches of workrooms, and from the staircases and passages,

(b) the floor of every workroom shall be cleaned at least once in every week by washing or, if it is effective and suitable, by sweeping or by any other method,

(c) all inside walls and partitions, and all ceilings or tops of rooms, and all walls, sides and tops of passages and staircases shall—

(i) where they have a smooth impervious surface, at least once in every period of twelve months be washed with hot water and soap or cleaned by other suitable method,

(ii) where they are kept painted with oil paint or varnished, be repainted or revarnished at least once in every period of five years, and at least once in every period of twelve months be washed with hot water and soap or cleaned by other suitable method,

(iii) in other cases, be kept whitewashed or colour-washed, and the whitewashing or colourwashing shall be repeated at least once in every period of twelve months

Provided that where it appears to the Member that in any class or description of factory or part thereof any of the foregoing provisions of this section are not required for the purpose of keeping the factory in a clean state, or are by reason of special circumstances inappropriate or inadequate for such purpose, he may, if he thinks fit, by order direct that those provisions shall not apply to any factory or part of a factory, of that class or description or shall apply as varied by the order

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

Overcrowding

(2) Without prejudice to the generality of the foregoing provision, a factory shall be deemed to be so overcrowded as aforesaid if the number of persons employed at a time in any workroom is such that the amount of cubic space allowed for every person employed is less than three hundred and fifty cubic feet

Provided that in calculating, for the purposes of this subsection, the amount of cubic space in any room, no space more

than fourteen feet from the floor shall be taken into account, and, where a room contains a gallery, the gallery shall be treated for the purposes of this sub-section as if it were partitioned off from the remainder of the room and formed a separate room

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(3) Every workroom shall be not less than nine feet in height, measured from the floor to the lowest point of the ceiling or, where there is no ceiling, to the lowest point of the roofing material

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

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(4) As respects any room used as a workroom at the date of the passing of this Ordinance, the provisions of the last two foregoing sub-sections shall not have effect until after the expiration of a period of four years after that date

Ventilation

**15.** Effective and suitable provision shall be made for securing and maintaining by the circulation of fresh air in each workroom the adequate ventilation of the room

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Lighting

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

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

Provided that this sub-section shall not affect the white-washing or shading of windows and skylights for the purpose of mitigating heat or glare

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Drainage  
of floors

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

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Sanitary  
conveniences

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

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

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Enforcement of  
provisions of  
section 18 by  
local authorities

**19.** The provisions of the last foregoing section, and any rules made thereunder, shall, in such areas of the Colony as the Member may by notice in the Gazette direct, be enforced by the local authority

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Duty of  
inspector as to  
sanitary defects  
remediable by  
local authority

**20.** Where an inspector finds any act or default in relation to any drain, sanitary convenience, water supply, nuisance or other matter in a factory which is liable to be dealt with by the local authority under this Part of this Ordinance or under the law relating to public health, he shall give notice thereof in writing to the local authority

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## PART V—SAFETY (GENERAL PROVISIONS)

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

Prime movers

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

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

**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

Transmission machinery

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

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

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

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

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

**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

Other machinery

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

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

Provisions as  
to unfenced  
machinery

**24.** In determining, for the purposes of the foregoing provisions of this Part of this Ordinance, 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, and
- (b) in the case of any part of transmission machinery used in any process in any factory with respect to which the chief inspector has declared by certificate in writing, that he is satisfied that, owing to the continuous nature of such process, the stopping of that part would seriously interfere with the carrying on of the process in such factory, no account shall be taken of any person carrying out in the factory, by such methods and in such circumstances and subject to such conditions as may be specified in the certificate, any lubrication or any mounting or shipping of belts

Provided that this section shall only apply where—

- (1) the examination lubrication or other operation as aforesaid is carried out by a male person who—
  - (i) has attained the age of eighteen years, and
  - (ii) has been appointed by the occupier of the factory, by certificate attached to the general register, to carry out such examination, lubrication or other operation, and has been furnished by the occupier with a signed copy of such certificate, and
  - (iii) has been sufficiently trained for the purposes of the work entailed by, and is acquainted with the dangers of moving machinery arising in connexion with, such examination, lubrication or other operation, and
  - (iv) is wearing a close-fitting single-piece overall suit in good repair, which is fastened by means having no exposed loose ends and has no external pockets other than a hip pocket, and
- (2) another person, instructed as to the steps to be taken in case of emergency, is immediately available within sight or hearing of any person carrying out such examination, lubrication or other operation, and
- (3) any ladder in use for the carrying out of such examination, lubrication or other operation is securely fixed or lashed, or is firmly held by a person stationed at the foot of the ladder

Construction  
and maintenance  
of fencing

**25.** All fencing or other safeguards provided in pursuance of the foregoing provisions of this Part of this Ordinance shall be of substantial construction, and constantly maintained and kept in position while the parts required to be fenced or safeguarded are in motion or in use, except when any such parts are necessarily exposed for examination and for any lubrication or adjustment shown by such examination to be immediately necessary, and all the conditions specified in the proviso to the last foregoing section are complied with

Construction  
and disposal of  
new machinery

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

- (a) every set-screw, bolt or key on any revolving shaft spindle, wheel or pinion shall be so sunk, encased or otherwise effectively guarded as to prevent danger, and

(b) all spur and other toothed or friction gearing, which does not require frequent adjustment while in motion, shall be completely encased unless it is so situated as to be as safe as it would be if completely encased

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

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

27. (1) Every fixed vessel, structure, sump or pit of which the edge is less than three feet above the adjoining ground or  
15 platform shall, if it contains any scalding, corrosive or poisonous liquid, either be securely covered or be securely fenced to at least that height, or where by reason of the nature of the work neither secure covering nor secure fencing to that height is practicable, all practicable steps shall be taken by covering,  
20 fencing or other means to prevent any person from falling into the vessel, structure, sump or pit

Vessels  
containing  
dangerous  
liquids

(2) As respects any such plant as aforesaid, a warning notice, indicating the nature of the danger and in a form readily understood by the persons employed, shall be marked on or  
25 attached to the plant or, if this is not reasonably practicable, be posted nearby

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

Self acting  
machines

(2) All practicable steps shall be taken by instructions to  
35 the person in charge of the machine and otherwise to ensure that no person employed shall be in the space between any traversing part of a self-acting spinning mule and any fixed part of the machine towards which the traversing part moves on the inward run, except when the machine is stopped with the  
40 traversing part on the outward run

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

Training and  
supervision of  
inexperienced  
workers

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

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

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

Hoists and lifts

(2) Every hoist or lift shall be thoroughly examined at  
55 least once in every period of six months by a person approved for the purposes of this section by the chief inspector by certificate in writing, and a report of the result of every such examination, in the prescribed form and containing the prescribed particulars, shall be signed by the person making the examination and shall within fourteen days be entered in or attached  
60 to the general register,

(3) Every hoistway or liftway shall be efficiently protected by a substantial enclosure fitted with gates, being such an enclosure as to prevent, when the gates are shut, any person falling down the way or coming into contact with any moving part of the hoist or lift 5

(4) Any such gate as aforesaid shall be fitted with efficient interlocking or other devices to secure that the gate cannot be opened except when the cage or platform is at the landing and that the cage or platform cannot be moved away from the landing until the gate is closed 10

(5) Every hoist or lift and every such enclosure as aforesaid shall be so constructed as to prevent any part of any person or any goods carried in the hoist or lift being trapped between any part of the hoist or lift and any fixed structure or between the counterbalance weight and any other moving part of the hoist or lift 15

(6) There shall be marked conspicuously on every hoist or lift the maximum working load which it can safely carry, and no load greater than that load shall be carried on any hoist or lift 20

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

(a) efficient automatic devices shall be provided and maintained to prevent the cage or platform overrunning, 25

(b) every cage shall, on each side from which access is afforded to a landing, be fitted with a gate, and in connexion with every such gate efficient devices shall be provided to secure that, when persons or goods are in the cage, the cage cannot be raised or lowered unless the gate is closed, and will come to rest when the gate is opened, 30

(c) in the case of a hoist or lift constructed or reconstructed after the passing of this Ordinance, where the platform or cage is suspended by rope or chain, there shall be at least two ropes or chains separately connected with the platform or cage, each rope or chain and its attachments being capable of carrying the whole weight of the platform or cage and its maximum working load, and efficient devices shall be provided and maintained which will support the platform or cage with its maximum working load in the event of a breakage of the ropes or chains or any of their attachments 35 40

(8) In the case of a hoist or lift not connected with mechanical power— 45

(a) sub-section (7) of this section shall not apply, and

(b) for sub-section (4) of this section the following sub-section shall be substituted —

“(4) Any such gate as aforesaid shall be kept closed and fastened except when the cage or platform is at rest at the landing”, and 50

(c) in sub-section (2) of this section, for the reference to six months there shall be substituted a reference to twelve months

(9) For the purposes of this section, no lifting machine or appliance shall be deemed to be a hoist or lift unless it has a platform or cage the direction of movement of which is restricted by a guide or guides 55

(10) If it is shown to the satisfaction of the chief inspector that it would be unreasonable in the special circumstances of the case to enforce any requirement of this section in respect of any class or description of hoist, lift, hoistway or liftway, he 60

may, by notice published in the Gazette except from such requirement hoists, lifts, hoistways or liftways of that class or description. Any such exception may be unqualified or may be subject to such conditions as may be contained in the notice.

5      **31.** (1) The following provisions shall be complied with as respects every chain, rope or lifting tackle used for the purpose of raising or lowering persons, goods or materials—

Chains, ropes  
and lifting tackle

10      (a) no chain, rope or lifting tackle shall be used unless it is of good construction, sound material, adequate strength and free from patent defect,

15      (b) a table showing the safe working loads of every kind and size of chain, rope or lifting tackle in use, and, in the case of a multiple sling, the safe working load at different angles of the legs, shall be prominently displayed on the premises, so, however, that the foregoing provisions of this paragraph shall not apply in relation to any lifting tackle if the safe working load thereof or, in the case of a multiple sling, the safe working load at different angles of the legs, is plainly marked upon it,

20      (c) no chain, rope or lifting tackle shall be used for any load exceeding the safe working load thereof as shown by the table aforesaid or marked upon it as aforesaid,

25      (d) all chains, ropes and lifting tackle in use shall be thoroughly examined at least once in every period of six months, or at such greater intervals as the Member may by order prescribe, by a person approved for the purposes of this section by the chief inspector by certificate in writing,

30      (e) no chain, rope or lifting tackle, except a fibre rope or fibre rope sling, shall be taken into use in any factory for the first time in that factory unless it has been tested and thoroughly examined by a person approved by the chief inspector for the purposes of this section as aforesaid and a certificate of such a test and examination, specifying the safe working load and signed by the person making the test and examination, has been obtained and is kept available for inspection

40      Provided that an inspector may, by certificate in writing, exempt from the provisions of this paragraph any chain, rope or lifting tackle in respect of which there has been obtained, and is kept available for inspection, a certificate of test and thorough examination issued by the manufacturer of the chain, rope or lifting tackle,

45      (f) every chain and lifting tackle, except a rope sling shall, unless of a class or description exempted by the chief inspector by notice published in the Gazette, be annealed at least once in every fourteen months, or, in the case of chains or slings of half-inch bar or smaller, or chains used in connexion with molten metal or molten slag, in every six months, so, however, that chains and lifting tackle not in regular use need be annealed only when necessary

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

50      **32.** (1) All parts and working gear whether fixed or movable, including the anchoring and fixing appliances, of every lifting machine shall be of good construction, sound material, adequate strength and free from patent defect, and shall be properly maintained

Cranes and  
other lifting  
machines

(2) All such parts and gear as aforesaid shall be thoroughly examined, at least once in every period of fourteen months, by a person approved for the purposes of this section by the chief inspector by certificate in writing

(3) No lifting machine shall be taken into use in any factory for the first time in that factory unless it has been tested, and all such parts and working gear of the machine as are specified in sub-section (1) of this section have been thoroughly examined, by a person approved by the chief inspector for the purposes of this section as aforesaid, and a certificate of such a test and examination, specifying the safe working load or loads of the machine and signed by the person making the test and examination, has been obtained and is kept available for inspection

Provided that an inspector may, by certificate in writing, except from the provisions of this sub-section any lifting machine in respect of which there has been obtained, and is kept available for inspection, a certificate of test and thorough examination issued by the manufacturer of the machine

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

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

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

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

(8) A lifting machine shall not be operated except by a person trained and competent to operate that machine, except that it shall be permissible for such machine to be operated by a person who is under the direct supervision of a qualified person for the purpose of training, and no person under the apparent age of eighteen years shall be employed to operate any lifting machine driven by mechanical power or to give signals to the operator of any such machine

(9) In this section the expression "lifting machine" means a crane, crab, winch, teagle, pulley block, gin wheel, transporter or runway

Register of  
chains, ropes  
and lifting  
tackle, and  
lifting machines

**33.** A register, containing the particulars set out in the Third Schedule to this Ordinance, shall be kept with respect to all chains, ropes or lifting tackle (except fibre rope slings) to which section 31 of this Ordinance applies, and with respect to all lifting machines to which section 32 of this Ordinance applies

Safe means of  
access and  
safe place of  
employment

**34.** (1) All floors, steps, stairs, passages and gangways shall be of sound construction and properly maintained



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

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

(4) 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, such a hand-rail shall be provided and maintained on both sides. Any open side of a staircase shall also be guarded by the provision and maintenance of a lower rail or other effective means

(5) All ladders shall be soundly constructed and properly maintained

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

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

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

35. Where work has to be done inside any chamber, tank, vat, pit or other confined space, in which dangerous fumes are liable to be present—

Precautions in places where dangerous fumes are liable to be present

(a) the confined space shall be provided with adequate means of egress, and

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

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

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

(c) suitable breathing apparatus and a suitable reviving apparatus and suitable belts and ropes shall be provided and maintained so as to be readily accessible, and

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

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

**36.** (1) Where, in connexion with any grinding, sieving, or other process giving rise to dust, there may escape into any workroom dust of such a character and to such an extent as to be liable to explode on ignition, all practicable steps shall be taken to prevent such an explosion by enclosure of the plant 5 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 aforesaid dust of such a character and to such an 10 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 connexion with the plant, of chokes, baffles 15 and vents, or other equally effective appliances

(3) No plant, tank or vessel which contains or has contained any explosive or inflammable substance shall be subjected to any welding, brazing or soldering operation or to any cutting operation which involves the application of heat, 20 until all practicable steps have been taken to remove the substance and any fumes arising therefrom, or to render them non-explosive or non-inflammable, and if any plant, tank or vessel has been subjected to any such operation as aforesaid, no explosive or inflammable substance shall be allowed to 25 enter the plant, tank or vessel until the metal has cooled sufficiently to prevent any risk of igniting the substance

(4) The chief inspector may by certificate in writing grant, subject to any conditions specified in the certificate, exemption from compliance with any of the requirements of the last fore- 30 going sub-section in any case where he is satisfied that compliance with the requirement is unnecessary or impracticable

Steam boilers

**37.** (1) Every steam boiler and all its fittings and attachments shall be of good construction, sound material, adequate strength and free from patent defect, and shall be properly 35 maintained

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

(a) shall have attached to it—

- (i) a suitable safety valve (separate from and in- 40 capable of being isolated by any stop-valve), which shall be so adjusted as to prevent the boiler being worked at a pressure greater than the maximum permissible working pressure and shall be fixed directly to, or as close as practicable to, the boiler, 45
- (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 at- 50 tendant, which shall indicate the pressure of steam in the boiler in pounds per square inch and have marked upon it, in a distinctive colour, the maximum permissible working pressure,
- (iv) at least one water gauge, of transparent material 55 or other type approved by the chief inspector, to show the water level in the boiler, and, if the gauge is of the glass tubular type and the working pressure in the boiler normally exceeds forty pounds per square inch, the gauge shall be 60 provided with an efficient guard but not so as to obstruct the reading of the gauge,

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

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

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

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

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

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

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

20 (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  
25 blow-off pipe in common with one or more other boilers or delivering into a common blow-off vessel or surp, 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  
30 is closed and is the only key in use for that set of blow-off valves or taps

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

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

Provided that—

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

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

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

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

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

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

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

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

(13) In this section—

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

“maximum permissible working pressure” means, in the case of a new steam boiler, that specified in the certificate referred to in sub-section (10) of this section and, in the case of a steam boiler which has been examined in accordance with the provisions of this section, that specified in the report of the last examination

(14) This section shall not apply to the boiler of any locomotive used on any railway operated by the Government or the High Commission, and which is the property of the Government or the High Commission, or to the boiler of any ship

Steam receivers  
and steam  
containers

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

(2) Every steam receiver, not so constructed and maintained as to withstand with safety the maximum permissible

working pressure of the boiler or the maximum pressure which can be obtained in the pipe connecting the receiver with any other source of supply, shall be fitted with —

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

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

(3) For the purpose of the provisions of the last foregoing sub-section, except paragraph (e), any set of receivers  
25 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

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

(4) Every steam receiver and all its fittings shall be  
35 thoroughly examined by an authorized boiler inspector, so far as the construction of the receiver permits, at least once in every period of twenty six months

(5) A report of the result of every such examination, in the prescribed form and containing the prescribed particulars  
40 (including particulars of the safe working pressure), shall be entered in or attached to the general register, and the report shall be signed by the person making the examination

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

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

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

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

(9) In this section—

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

“maximum permissible working pressure” has the same meaning as in section 37 of this Ordinance,

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

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

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

#### Air receivers

**39.** (1) Every air receiver shall—

- (a) have marked upon it, so as to be plainly visible, the safe working pressure, and
- (b) in the case of a receiver connected with an air compressing plant, either be so constructed as to withstand with safety the maximum pressure which can be obtained in the compressor, or be fitted with a suitable reducing valve or other suitable appliance to prevent the safe working pressure of the receiver being exceeded, and
- (c) be fitted with a suitable safety valve so adjusted as to permit the air to escape as soon as the safe working pressure is exceeded, and
- (d) be fitted with a correct pressure gauge indicating the pressure in the receiver in pounds per square inch, and
- (e) be fitted with a suitable appliance for draining the receiver and
- (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) For the purpose of the provisions of the foregoing sub-section relating to safety valves and pressure gauges, any set of air receivers supplied with air through a single pipe may be treated as one receiver

Provided that, in a case where a suitable reducing valve or other suitable appliance to prevent the safe working pres-



sure being exceeded is required to be fitted this sub-section shall not apply unless the valve or appliance is fitted on the said single pipe

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

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

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

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

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

Every such examination and test shall be carried out by an approved person, and a report of the result of every such examination and test, in the prescribed form and containing the prescribed particulars (including particulars of the safe working pressure) shall be entered in or attached to the general register, and the report shall be signed by the person making the examination or test

(5) Any occupier of a factory who, for the purposes of this section, desires that an examination of an air receiver should be carried out by any approved person who is an officer of the Government shall notify the chief inspector accordingly and, on payment by such occupier of the prescribed fee, the chief inspector shall instruct such an approved person to carry out the said examination

(6) In this section—  
“air receiver” means

(a) any vessel (other than a pipe or coil, or an accessory, fitting or part of a compressor for containing compressed air and connected with an air compressing plant, or

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

“approved person” means any person (whether an officer of the Government or not) who is approved by the chief inspector, by certificate in writing, for the purpose of carrying out examinations and tests of air receivers in accordance with, and for the purposes of, this section

40. The chief inspector may by notice published in the Gazette, except from any of the provisions of the last three preceding sections of this Ordinance any class or type of steam boiler steam receiver, steam container or air receiver to which he is satisfied that such provision cannot reasonably be applied Any such exception may be unqualified or may be subject to such conditions as may be contained in the notice

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

41. (1) In every factory there shall be provided and maintained, so as to be readily accessible, means for extinguishing fire, which shall be adequate and suitable having regard to the circumstances of each case

Prevention of fire

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

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

Safety  
provisions in  
case of fire

42. (1) Every factory shall be provided with adequate means of escape in case of fire for the persons employed therein, having regard to the circumstances of each case 5

(2) All such means of escape as aforesaid shall be properly maintained and kept free from obstruction

(3) The contents of any room in which persons are employed shall be so arranged or disposed that there is a free passage-way for all persons employed in the room to a means of escape in case of fire 10

(4) While any person is within a factory for the purpose of employment or meals, the doors of the factory, and of any room therein in which the person is, and any doors which afford a means of exit for persons employed in the factory from any building or from any enclosure in which the factory is situated, shall not be locked or fastened in such manner that they cannot be easily and immediately opened from the inside 15 20

(5) In the case of any factory constructed or converted for use as a factory after the coming into operation of this section, all doors affording a means of exit from the factory for the persons employed therein shall, except in the case of sliding doors, be constructed to open outwards 25

(6) Every hoistway or liftway inside a building constructed after the coming into operation of this section shall, subject as hereafter in this sub-section provided, be completely enclosed with fire-resisting materials and all means of access to the hoist or lift shall be fitted with doors of fire-resisting materials 30

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

(7) Every window, door, or other exit affording means of escape in case of fire or giving access thereto, other than the means of exit in ordinary use, shall be distinctively and conspicuously marked by a notice printed in red letters of an adequate size 35

(8) In every factory effective steps shall be taken to ensure that all the persons employed are familiar with the means of escape in case of fire, and with the routine to be followed in case of fire 40

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

43. (1) If on complaint by an inspector a magistrate's court is satisfied either — 45

(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 any factory in such a manner as to cause risk of bodily injury, 50

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 55

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

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

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

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

Power of court to make orders as to dangerous factory

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

(a) prohibit the carrying on of any process or work either indefinitely, or until such steps have been taken as may be specified in the order to enable the process or work to be carried on with due regard to the safety, health and welfare of the persons employed, and

(b) be revoked or varied on the application by way of complaint of the occupier or owner of the factory

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

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

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

Appeal from orders made on complaint

#### PART VI—WELFARE (GENERAL PROVISIONS)

46. (1) An adequate supply of wholesome drinking water shall be provided and maintained at suitable points conveniently accessible to all persons employed

Supply of drinking water

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

Washing  
facilities

47. (1) There shall be provided and maintained for the use of employed persons adequate and suitable facilities for washing, which shall be conveniently accessible and shall be kept in a clean and orderly condition

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

(3) The Member may by rules prescribe, either generally or as respects any class or description of factory or as respects the persons employed in any process a standard of adequate and suitable washing facilities

Accommodation  
for clothing

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

Facilities for  
sitting

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

First aid

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

For the purposes of this provision the number of persons employed in a factory shall be taken to be the largest number of persons employed therein at any one time, and any fraction of one hundred and fifty shall be reckoned as one hundred and fifty. Where the persons employed are employed in shifts, the calculation of the number employed shall be according to the largest number at work at any one time

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

(3) Each first-aid box or cupboard shall be placed under the charge of a responsible person who shall always be readily available during working hours, and a notice shall be affixed in every workroom stating the name of the person in charge of the first-aid box or cupboard provided in respect of that room

(4) If an ambulance room is provided at the factory and such arrangements are made as to ensure the immediate treatment there of all injuries occurring in the factory, the chief inspector may by certificate in writing exempt the factory from the requirements of this section to such extent and subject to such conditions as he may specify in the certificate

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

Removal of dust  
or fumes

51. (1) In every factory in which, in connexion with any process carried on, there is given off any dust or fume or other impurity of such a character and to such extent as to be likely

to be injurious or offensive to the persons employed, or any substantial quantity of dust of any kind, all practicable measures shall be taken to protect the persons employed against inhalation of the dust or fume or other impurity and to prevent its accumulating in any workroom, and in particular, where the nature of the process makes it practicable, exhaust appliances shall be provided and maintained, as near as possible to the point of origin of the dust or fume or other impurity, so as to prevent it entering the air of any workroom

(2) No stationary internal combustion engine shall be used unless provision is made for conducting the exhaust gases from the engine into the open air

**52** Where in any room any poisonous or otherwise injurious substance is so used as to give rise to any dust or fume, no person shall be permitted to partake of food or drink in that room

Meals in certain dangerous trades

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

Protective clothing and appliances

**54.** (1) In the case of any of the processes specified in the Fourth Schedule to this Ordinance, suitable goggles or effective screens shall be provided to protect the eyes of the persons employed in the process

Protection of eyes in certain processes

(2) Where in any factory electric arc welding is carried on, effective provision shall be made, by screening or otherwise, to prevent persons employed (other than persons employed in the welding process) being exposed to the electric arc flash

**55.** (1) Where the Member is satisfied that any manufacture, machinery, plant, equipment, appliance, process or description of manual labour used in factories is of such a nature as to cause risk of bodily injury, or be offensive, to the persons employed, or any class of those persons, he may, subject to the provisions of this Ordinance, make such rules as appear to him to be reasonably practicable and to meet the necessity of the case

Power to make rules for health, safety and welfare

(2) Rules so made may, without prejudice to the generality of the powers conferred by sub-section (1) of this section—

(a) prohibit the employment of, or modify or limit the hours of employment of, all persons or any class of persons in connexion with any manufacture, machinery, plant, equipment, appliance, process or description of manual labour, or

(b) prohibit, limit or control the use of any material or process, or

(c) modify or extend with respect to any class or description of factory any provisions of Part IV, Part V, Part VI or this Part of this Ordinance, being provisions imposing requirements as to health, safety or welfare, or

(d) apply provisions relating to—

(i) arrangements for preparing or heating, and taking, meals,

(ii) ambulance and first-aid arrangements,

(iii) rest rooms,

(iv) arrangements for the supervision of persons employed,

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

(3) Rules so made may apply to all factories in which the manufacture, machinery, plant, equipment, appliance, process or description of manual labour is used or to any specified class or description of such factories, and may provide for the exemption of any specified class or description of factory 5 either absolutely or subject to conditions

Power to take  
samples

**56.** (1) An inspector may at any time after informing the occupier or, if the occupier is not readily available, a foreman or other responsible person in the factory, take for analysis sufficient samples of any substance used or intended to be 10 used in a factory, being a substance in respect of which he suspects a contravention of any rule made under this Part of this Ordinance, or which he thinks may prove on analysis to be likely to cause bodily injury to the persons employed

(2) The occupier or the foreman or other responsible 15 person aforesaid may, at the time when a sample is taken under this section, and on providing the necessary appliances, require the inspector to divide the sample into three parts, to mark and seal or fasten up each part in such manner as its nature permits, and— 20

(a) to deliver one part to the occupier, or the foreman or other responsible person aforesaid,

(b) to retain one part for future comparison,

(c) to submit one part to the analyst,

and any analysis under this section shall, if so required, be 25 carried out by the Government Chemist

(3) A certificate purporting to be a certificate by the Government Chemist as to the result of an analysis of a sample under this section shall in any proceedings under this Ordinance be admissible as evidence of the matters stated therein, 30 but either party may require the person by whom the analysis was made to be called as a witness

(4) It shall not be lawful for any person, except in so far as is necessary for the purposes of a prosecution for an offence under this Ordinance, to publish or disclose to any person the 35 results of an analysis made under this section, and if any person acts in contravention of this sub-section, he shall be liable to a fine not exceeding one thousand shillings

#### PART VIII—SPECIAL APPLICATIONS AND EXTENSIONS

Premises where  
part of building  
is separate  
factory

**57.** (1) Where a part of a building is let off as a separate 40 factory, the provisions of this Ordinance hereafter in this sub-section mentioned shall apply to any part of the building used for the purposes of the factory but not comprised therein, that is to say—

(a) the provisions of Part IV with respect to cleanliness 45 and lighting,

(b) the provisions of Part V with respect to prime movers, transmission machinery, hoists and lifts, chains, ropes and lifting tackle, cranes and other lifting machines, safe means of access and safe place of 50 employment, steam boilers, steam receivers and steam containers, and air receivers (including the provisions as to exceptions as to steam boilers, steam receivers and steam containers, and air receivers),

(c) the provisions of Part V with respect to the power of 55 a court to make orders as to dangerous conditions and practices and as to dangerous factories,

and the owner of the building shall be responsible for any contravention of the said provisions and shall also be responsible, instead of the occupier of the factory, for any contraven- 60 tion as respects the factory of the provisions of Part IV of this



Ordinance with respect to sanitary conveniences and of the provisions of Part V of this Ordinance with respect to hoists and lifts, prevention of fire, and safety provisions in case of fire, and, for the purposes of the provisions with respect to  
 5 prevention of fire and safety provisions in case of fire, the factory shall be deemed to include any part of the building used for the purpose of the factory

Provided that the owner of the building shall be responsible for the cleanliness of sanitary conveniences only when  
 10 used in common by several tenants, and shall be responsible for any contravention of the provisions relating to hoists and lifts, chains, ropes and lifting tackle, lifting machines, steam boilers, steam receivers and steam containers, air receivers, prevention of fire and safety provisions in case of fire, only in  
 15 so far as the said provisions relate to matters within his control, and the occupier of the factory shall, in any case, be responsible for any contravention (whether as respects the factory or otherwise) of any of the said provisions with respect to any machinery or plant belonging to or supplied by him

20 (2) In sections 43 and 44 of this Ordinance, as they apply in relation to the factory and as they are applied by the foregoing sub-section, references to the occupier shall be taken as references to the occupier of the factory or to the owner of the building, according to which of them is responsible in  
 25 respect of the matters complained of

(3) For the purposes of the provisions applied by sub-section (1) of this section, lifting machines attached to the outside of the building, and chains, ropes and lifting tackle used in connexion with those machines, shall be treated as  
 30 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 connexion with a lifting machine so used, shall be disregarded

(4) Where, under sub-section (1) of this section, any  
 35 provision is applied containing a reference to the general register, then, in relation to matters in respect of which the owner of the building is responsible, that reference shall be taken as a reference to a register to be kept by him, and sub-section (2) of section 81 of this Ordinance shall apply in relation to any such register as if the owner were the occupier  
 40 of a factory

**58.** (1) The provisions of this Ordinance hereafter in this sub-section mentioned shall apply to every dock, wharf or quay as if it were a factory, and as if the person having the actual  
 45 use or occupation of the dock, wharf or quay were the occupier of a factory, that is to say—

(a) Part I,

(b) Part II,

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

55 (d) the provisions of Part V with respect to the power of a court to make orders as to dangerous conditions and practices,

(e) the provisions of Part VII with respect to rules for health, safety and welfare,

60 (f) the provisions of Part IX with respect to the abstract of this Ordinance, rules and notices, general registers (so far as applicable), and preservation of registers

Docks, wharves  
and quays

and records, subject to such modifications as may be made by rules made by the Member, and the provisions of the said Part IX with respect to duties of persons employed, and the prohibition of deductions from wages, 5

(g) the provisions of Part X with respect to powers and duties of inspectors and to rules and orders made under this Ordinance,

(h) Part XI,

(i) Part XII 10

(2) Subject as hereafter in this sub-section provided, the provisions of this Ordinance mentioned in paragraph (c) (subject to the modification mentioned in that paragraph) and in paragraphs (b), (d) (e) (f), (g) (h) and (i) of the foregoing sub-section shall apply to the processes of loading, unloading or coaling of any ship in any dock or harbour, and to all machinery or plant used in those processes, as if the processes were carried on in a factory and the machinery or plant were machinery or plant in a factory and the person who carries on those processes were the occupier of a factory 15 20

Provided that the provisions of this Ordinance mentioned in the said paragraphs (c) and (d) shall not apply in relation to any such machinery or plant which is on board a ship and is the property of the ship owner

For the purposes of this sub-section, the expression 25 "plant" includes any gangway or ladder used by any person employed to load or unload or coal a ship

Premises in  
which steam  
boilers are used

59. (1) The provisions of this Ordinance hereafter in this sub-section mentioned shall apply to any premises (not being premises forming part of a factory, or premises to which the application of this Ordinance is otherwise extended by this Part of this Ordinance) in which a steam boiler is used, as if the premises were a factory and as if the person having the actual use or occupation of the premises were the occupier of a factory, that is to say— 30 35

(a) Part I,

(b) Part II,

(c) the provisions of Part V with respect to steam boilers and to steam receivers and steam containers (including the provisions as to exceptions as to steam 40 boilers, steam receivers and steam containers) so, however, that the owner of the boiler, receiver or container shall, instead of the person deemed to be the occupier, be responsible for any contravention of the said provisions in so far as they relate to matters 45 within his control,

(d) the provisions of Part V with respect to the power of a court to make orders as to dangerous conditions and practices,

(e) the provisions of Part VII with respect to rules for 50 health, safety and welfare,

(f) the provisions of Part IX with respect to general registers (so far as applicable) and preservation of registers and records, subject to such modifications as may be made by rules made by the Member, and the provisions of 55 the said Part IX with respect to duties of persons employed,

(g) the provisions of Part X with respect to powers and duties of inspectors, and to rules and orders made under this Ordinance, 60

(h) Part XI,

(i) Part XII

(2) The occupier of any premises (not being premises forming part of a factory) in which a steam boiler is used shall, within one month after the commencement of this Ordinance, send to the chief inspector a written notice containing the particulars set out in the Fifth Schedule to this Ordinance, and if, after the commencement of this Ordinance, a steam boiler is newly taken into use in any premises (not being premises forming part of a factory), the occupier shall within one month after the date upon which the boiler is first used, send a like notice to the chief inspector

**60.** The Governor in Council may, by order published in the Gazette, and subject to such conditions as may be specified in the order, extend the application of all or any of the provisions of this Ordinance to any of the following classes of premises, processes or operations, that is to say—

Power to extend application of provisions of Ordinance

- (a) warehouses not forming part of any factory,
- (b) any premises (not being premises forming part of a factory) in which a hoist or lift is used,
- (c) 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 or any tank in a ship last used for oil of any description carried as cargo,
- (d) building operations undertaken by way of trade or business, or for the purpose of any industrial or commercial undertaking and any line or siding which is used in connexion therewith and for the purposes thereof and is not part of a railway,
- (e) works of engineering construction undertaken by way of trade or business, or for the purpose of any industrial or commercial undertaking, and any line or siding which is used in connexion therewith and for the purposes thereof and is not part of a railway

#### PART IX—MISCELLANEOUS

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

Posting of abstract of Ordinance rules and notices

- (a) the prescribed abstract of this Ordinance, and
- (b) a notice of the address of the chief inspector and of the nearest labour officer, and
- (c) printed copies of any rules made under Part VII of this Ordinance which are for the time being in force in the factory, or the prescribed abstract of such rules, and
- (d) every other notice and document required by this Ordinance to be posted in the factory

(2) All such documents shall be in English and in such vernacular languages as an inspector may direct and, if a form has been prescribed for any document it shall be posted in that form

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

General registers

- (a) the certificate of registration of the factory, and
- (b) every other certificate issued in respect of the factory by the chief inspector under the provisions of this Ordinance, and
- (c) the prescribed particulars as to the washing, white-washing or colourwashing, painting or varnishing, of the factory, and



- (d) the prescribed particulars as to every accident and case of occupational disease occurring in the factory of which notice is required to be sent to a labour officer under the provisions of any law for the time being in force in the Colony, and 5
- (e) all reports and particulars required by any other provision of this Ordinance to be entered in or attached to the general register, and
- (f) such other matters as may be prescribed

(2) The occupier of a factory shall send to an inspector 10  
such extracts from the general register as the inspector may from time to time require for the purpose of the execution of his duties under this Ordinance

Preservation of  
registers and  
records

**63.** The general register and every other register or record kept in pursuance of this Ordinance shall be preserved and 15  
shall be kept available for inspection by any inspector 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

Periodical  
return of persons  
employed

**64.** (1) The occupier of every factory, or of any place to 20  
which any of the provisions of this Ordinance apply, shall, if so required by the Member, by order published in the Gazette, send to the chief inspector, at such intervals and on or before such days as may be specified in the order, a correct return showing, with respect to such day or days, or such period, as 25  
may be specified in the order, the number of persons employed in the factory or place and giving such particulars as to such other matters as the order may require

(2) The Member may, for the purpose of facilitating the rendering of returns by occupiers under the provisions of this 30  
section, arrange for the consolidation of those returns with any other returns required from occupiers under the provisions of any other law for the time being in force in the Colony

Duties of persons  
employed

**65.** (1) No person employed in a factory or in any other place to which any provisions of this Ordinance apply shall wil- 35  
fully interfere with or misuse any means, appliance, convenience or other thing provided in pursuance of this Ordinance for securing the health, safety or welfare of the persons employed in the factory or place, and where any means or appliance for securing health or safety is provided for the use of any such person under 40  
this Ordinance, he shall use that means or appliance

(2) No person employed in a factory or in any other place to which any provisions of this Ordinance apply shall wilfully and without reasonable cause do anything likely to endanger himself or any other person 45

Prohibition of  
deductions from  
wages

**66.** The occupier of a factory shall not, in respect of anything to be done or provided by him in pursuance of this Ordinance, 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 50  
person

#### PART X—ADMINISTRATION

Administration  
of Ordinance

**67.** The Labour Commissioner shall, subject to the provisions of section 19, be responsible for the administration of this 55  
Ordinance

Appointment  
of inspectors

**68.** (1) The Governor may appoint a chief inspector and such other inspectors and officers as he thinks necessary (under whatever title he may from time to time determine) for the purpose of the execution of this Ordinance

(2) Notice of the appointment of every inspector shall be 60  
published in the Gazette

(3) Every inspector shall be furnished with a certificate of his appointment, and when visiting a factory or place to which any of the provisions of this Ordinance apply shall, if so required, produce the said certificate to the occupier or other person holding a responsible position of management at the factory

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

Powers of  
inspectors

- 10 (a) to enter inspect and examine, by day or by night, a factory, and every part thereof when he has reasonable cause to believe that any person is employed therein, and to enter, inspect and examine, by day
- 15 to be a factory and any part of any building of which a factory forms part and in which he has reasonable cause to believe that explosive or highly inflammable materials are stored or used,
- 20 (b) to take with him a police officer if he has reasonable cause to apprehend any serious obstruction in the execution of his duty,
- (c) to require the production of the registers, certificates, notices and documents kept in pursuance of this Ordinance and to inspect, examine and copy any of
- 25 them,
- (d) to make such examination and inquiry as may be necessary to ascertain whether the provisions of this Ordinance, and of the enactment, for the time being in force relating to public health, are complied with,
- 30 so far as respects a factory and any persons employed in a factory,
- (e) to require any person whom he finds in a factory to give such information as it is in his power to give as to who is the occupier of the factory,
- 35 (f) to examine, either alone or in the presence of any other person, as he thinks fit, with respect to matters under this Ordinance, every person whom he finds in a factory, or whom he has reasonable cause to believe to be or to have been within the preceding
- 40 six months employed in a factory, and to require every such person to be so examined and to sign a declaration of the truth of the matters respecting which he is so examined, so, however, that no one shall be required under this provision to answer any
- 45 question or to give any evidence tending to incriminate himself,
- (g) in the case of an inspector who is a registered medical practitioner, to carry out such medical examinations as may be necessary for the purposes of his duties
- 50 under this Ordinance,
- (h) to exercise such other powers as may be necessary for carrying this Ordinance into effect

(2) The occupier of every factory, his agents and servants, shall furnish the means required by an inspector as necessary

55 for an entry, inspection, examination, inquiry, the taking of samples, or otherwise for the exercise of his powers under this Ordinance in relation to that factory

(3) If any person wilfully delays an inspector in the exercise of any power under this section or fails to comply

60 with the requisition of an inspector in pursuance of this section or to produce any register, certificate, notice or document which he is required by or in pursuance of this Ordinance to produce, or wilfully withholds any information as to who is

the occupier of any factory, or conceals or prevents, or attempts to conceal or prevent, a person from appearing before or being examined by an inspector, that person shall be deemed to obstruct an inspector in the execution of his duties under this Ordinance

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(4) Where an inspector is obstructed in the execution of his powers or duties under this Ordinance, the person obstructing him shall be guilty of an offence, and liable to a fine not exceeding two hundred shillings, or to imprisonment for a term not exceeding one month, or to both such penalties, and where an inspector is so obstructed in a factory the occupier of that factory shall be guilty of an offence

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(5) Any notice or certificate issued by the chief inspector under the provisions of this Ordinance may be issued for a limited period or without limit of period and may be varied or revoked by the chief inspector

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Provided that this sub-section shall not apply as respects any certificate of registration of a factory issued by the chief inspector under the provisions of Part III of this Ordinance

Power of  
inspector to  
conduct  
proceedings  
before a  
magistrate's  
court

70. (1) An inspector, if so authorized in writing by the Attorney General, may, although he is not an advocate, prosecute, conduct or defend before a magistrate's court any charge, information, complaint or other proceeding arising under this Ordinance, or in the discharge of his duty as inspector, and any such authority may be either general or specific

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

Provisions as to  
rules and orders  
made under this  
Ordinance

71. (1) Before the Member makes any rules under this Ordinance, he shall consult with the Labour Advisory Board and shall consider any representations that may be made by that Board in regard to the proposed rules

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(2) All rules made by the Member under this Ordinance shall have the same force and effect as if they had been enacted in this Ordinance and shall be laid as soon as may be before the Legislative Council, and if a resolution is passed within forty days of any such rules being so laid before the Legislative Council, praying that the rules be annulled the rules shall cease to be of effect, but without prejudice to the validity of anything done in the meantime thereunder or to the making of new rules

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(3) Any rules or order made under this Ordinance may be made for a limited period or without limit of period, and may be made subject to such conditions as the authority or person making the rules or order thinks fit, and may contain such supplemental and consequential provisions as that authority or person considers necessary for giving full effect to the rules or order

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#### PART XI—OFFENCES, PENALTIES AND LEGAL PROCEEDINGS 50

Offences

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

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(2) In the event of a contravention by an employed person of the provisions of Part IX of this Ordinance with respect to duties of persons employed or of a contravention by any person of any rule or order made under this Ordinance which

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expressly imposes any duty upon him, that person shall be guilty of an offence and the occupier or owner, as the case may be, shall not be guilty of an offence by reason only of the contravention of the said provisions of Part IX of this Ordinance, or the contravention of the provision imposing the said duty, as the case may be, unless it is proved that he failed to take all reasonable steps to prevent the contravention, but this sub-section 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 provisions or provision aforesaid

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

(4) If any persons are employed in a factory otherwise than in accordance with the provisions of this Ordinance or of any rule 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 Ordinance committed by a company, co-operative society or other body of persons is proved to have been committed with the consent or connivance of, or to have been facilitated by any neglect on the part of, any director, chairman, manager, secretary or other officer of the company, co-operative society or other body of persons, he, as well as the company, co-operative society or other body of persons, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly

73. Subject as hereafter in this Ordinance provided, any person guilty of an offence under this Ordinance for which no express penalty is provided by this Ordinance shall be liable to a fine not exceeding five hundred shillings, or to imprisonment for a term not exceeding one month, or to both such penalties, and, if the contravention in respect of which he was so convicted is continued after the conviction, he shall (subject to the provisions of section 74 of this Ordinance) be guilty of a further offence and liable in respect thereof to a fine not exceeding one hundred shillings for each day on which the contravention was so continued

Penalty for offences for which no express penalty provided

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

Power of court to order cause of contravention to be remedied

75. If any person is killed, or dies, or suffers any bodily injury, in consequence of the occupier or owner of a factory having contravened any provision of this Ordinance or of any rule or order made thereunder, the occupier or owner of the factory shall, without prejudice to any other penalty, be liable to a fine not exceeding two thousand shillings, or to

Penalty in case of death or injury

imprisonment for a term not exceeding three months, or to both such penalties

Provided that—

- (a) in the case of injury to health, the occupier or owner shall not be liable to a penalty under this section unless the injury was caused directly by the contravention, and 5
- (b) the occupier or owner shall not be liable to a penalty under this section if a charge against him under this Ordinance 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 10

Forgery of  
certificates,  
false entries  
and false  
declarations

76. If any person—

- (a) forges or counterfeits any certificate required by, under, or for the purposes of, this Ordinance or any order or rule made thereunder, or 15
- (b) gives or signs any such certificate knowing it to be false in any material particular, or
- (c) knowingly utters or makes use of any such certificate so forged, counterfeited, or false as aforesaid, or 20
- (d) knowingly utters or makes use of as applying to any person, any such certificate which does not so apply, or
- (e) personates any person named in any such certificate or 25
- (f) falsely pretends to be an inspector, or
- (g) wilfully connives at any such forging, counterfeiting, giving, signing, uttering, making use personating or pretending as aforesaid, or
- (h) wilfully makes a false entry in any register, notice, certificate, or document required by, under, or for the purposes of, this Ordinance or any order or rule made thereunder to be kept or served or sent or 30
- (i) wilfully makes or signs a false declaration required by, under, or for the purposes of, this Ordinance or any order or rule made thereunder, or 35
- (j) knowingly makes use of any such false entry or declaration as aforesaid,

he shall, without prejudice to any other penalty, be guilty of an offence under this Ordinance, and liable to a fine not exceeding two thousand shillings, or to imprisonment for a term not exceeding three months, or to both such penalties 40

Penalty on  
persons actually  
committing  
offence for  
which occupier  
is liable

77. Where an act or default for which an occupier or owner of a factory is liable under this Ordinance is in fact the act or default of some agent, servant, worker or other person, that agent, servant, worker or other person shall be guilty of an offence and liable to the like penalty as if he were the occupier or owner, as the case may be 45

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

78. (1) Where the occupier or owner of a factory is charged with an offence under this Ordinance, he shall be entitled, upon a charge duly made by him and on giving to the prosecution not less than three days' notice in writing of his intention, to have any other person whom he charges as the actual offender (whether or not that person is his agent or servant) brought before the court at the time appointed for hearing the charge, and if, after the commission of the offence has been proved, the occupier or owner of the factory proves to the satisfaction of the court— 50

- (a) that he has used all due diligence to enforce the execution of this Ordinance and of any relevant order or rule made thereunder, and 60

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

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

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

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

(a) that the occupier or owner (as the case may be) of the  
15 factory has used all due diligence to enforce the execution of this Ordinance and of any relevant order or rule made thereunder, and

(b) by what person the offence has been committed, and

(c) that it has been committed without the consent, connivance, or wilful default of the occupier or owner and in  
20 contravention of his orders,

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

25 **79.** Where, under this Ordinance, any person is substituted for the occupier or owner of a factory with respect to any provisions of this Ordinance, any order, summons, notice or proceeding which, for the purpose of any of those provisions, is by or under this Ordinance required or authorized to be  
30 served on or taken in relation to the occupier or owner, is hereby required or authorized (as the case may be) to be served on or taken in relation to that person

Proceedings  
against persons  
other than  
occupiers or  
owners

**80.** (1) All offences under this Ordinance shall be prosecuted, and all fines under this Ordinance shall be recovered,  
35 in a subordinate court of the first or second class

Prosecution  
of offences

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

45 (3) Where any offence is committed under this Ordinance by reason of a failure to make an examination, enter a report, or do any other thing, at or within a time specified by this Ordinance or any rule or order made thereunder, the offence shall be deemed to continue until the examination is made,  
50 or the report entered, or the other thing done, as the case may be

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

Special  
provisions as  
to evidence

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

60 (2) Where any entry is required by this Ordinance or by any order or rules made thereunder to be made in the general register or in any other register or record, the entry made by

the occupier of a factory or on his behalf shall, as against him, be admissible as evidence of the facts therein stated, and the fact that any entry so required with respect to the observance of any provision of this Ordinance or of any order or rule made thereunder has not been made, shall be admissible as evidence 5 that that provision has not been observed

Service and  
sending of  
documents, etc

**82.** (1) Any document (including any summons or order) required or authorized to be served under this Ordinance may be served—

(a) on any person by delivering it to him, or by leaving it 10 at, or sending it by post to, his residence or place of business,

(b) on any firm by delivering it to any partner of the firm, or by leaving it at, or sending it by post to, the office 15 of the firm,

(c) on the owner or occupier of a factory (including any such owner or occupier being a company to which the Companies Ordinance, 1933, applies or a co-operative society to which the Co-operative Societies Ordinance, 1945, applies), in any such manner as 20 aforesaid, or by delivering it, or a true copy thereof, to any person apparently not under the age of sixteen years at the factory

(2) Any such document may be addressed, for the purpose of the service thereof on the occupier of a factory, to 25 "the occupier" at the proper postal address of the factory, without further name or description

(3) The foregoing provisions of this section shall apply, with the necessary modifications, to documents required or authorized under this Ordinance to be sent to any person firm, 30 owner or occupier, and to the sending, addressing and delivery of such documents

Power to modify  
agreements

**83.** If by reason of an agreement between the owner and the occupier of premises the whole or any part of which has been let as a factory the said owner or occupier is prevented 35 from carrying out any structural or other alterations in the premises which are necessary to enable him to comply with the provisions of this Ordinance or of any rule or order made under this Ordinance or in order to conform with any standard or requirement imposed by or under this Ordinance, he may 40 apply to a judge in chambers for the terms of the agreement to be set aside or modified, and the judge, after hearing the parties and any witnesses whom they may desire to call, may make such an order setting aside or modifying the terms of the agreement as he considers just and equitable in the circum- 45 stances of the case

Power to  
apportion  
expenses

**84.** Where in any premises the whole or any part of which has been let as a factory any structural or other alterations are required in order to comply with the provisions of this Ordinance or of any rule or order made under this Ordin- 50 ance, or in order to conform with any standard or requirement imposed by or under this Ordinance, and the owner or occupier, as the case may be, alleges that the whole or part of the expenses of the alterations ought to be borne by the occupier or owner, the owner or occupier may apply to a judge in 55 chambers for the expenses of the alterations to be apportioned between them, and the judge, after hearing the parties and any witnesses whom they may desire to call, may make such an order concerning the expenses or their apportionment as he considers just and equitable in the circumstances of the case, 60 regard being had to the terms of any contract between the parties, or, in the alternative, he may, at the request of the owner or occupier, determine the lease

## PART XII—GENERAL

85. The Boilers, Prime Movers and Machinery Ordinance is hereby repealed Repeal  
Cap 66

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

## FIRST SCHEDULE

Sections 8 and 9

## PARTICULARS TO BE SUBMITTED BY OCCUPIER, OR INTENDING OCCUPIER, OF A FACTORY

- 1 Name of the occupier or title of the firm
- 2 Address and location of the factory
- 3 Nature of the work carried on, or proposed to be carried on, in the factory
- 4 Whether mechanical power is used or intended to be used and, if so, its nature
- 5 Whether steam boilers are used or intended to be used and, if so, the following particulars in respect of each such boiler—
  - (a) type, description and distinctive number,
  - (b) country and year of manufacture,
  - (c) date of the last thorough examination and name of the person by whom the examination was made,
  - (d) maximum permissible working pressure in pounds per square inch
- 6 (a) Total number of persons employed or intended to be employed, in the factory
- (b) Where persons are employed, or intended to be employed, in shifts, the maximum number employed, or intended to be employed, at any one time

## SECOND SCHEDULE

Sections 8 and 9

## CERTIFICATE OF REGISTRATION OF A FACTORY

No of Certificate

Date of issue

I hereby certify that the factory named below has been duly registered in pursuance of section        of the Factories Ordinance, 1950

Name of occupier

Address and location of factory

Nature of work

*Chief Inspector of Factories*

## THIRD SCHEDULE

Section 33

## REGISTER OF CHAINS, ROPES AND LIFTING TACKLE, AND LIFTING MACHINES

- 1 Name of the occupier or title of the firm
- 2 Address and location of the factory
- 3 Distinguishing number or mark and description sufficient to identify the chain, rope or lifting tackle, or the lifting machine
- 4 Date (if after the commencement of this Ordinance) when the chain, rope or lifting tackle, or the lifting machine, was first taken into use in the factory
- 5 Date of each examination made under section 31 (1) (d) or section 32 (2), as the case may be, and the name of the person by whom it was carried out
- 6 Particulars of any defect found at any such examination and affecting the safe working load, and of the steps taken to remedy such defect
- 7 Date and number of the certificate relating to any test and examination made under section 31 (1) (e) or section 32 (3), as the case may be, together with the name and address of the person who issued the certificate.
- 8 In the case of chains and lifting tackle (except rope slings), dates of annealing or other heat treatment

## Section 54

## FOURTH SCHEDULE

PROCESSES REQUIRING PROVISION OF SUITABLE GOGGLES OR  
EFFECTIVE SCREENS

- 1 Dry grinding of metals, or articles of metal, applied by hand to a revolving wheel or disc driven by mechanical power
- 2 Turning (external or internal) of non-ferrous metals, or of cast iron, or of articles of such metals or such iron, where the work is done dry, other than precision turning where the use of goggles or a screen would seriously interfere with the work, or turning by means of hand tools
- 3 Welding or cutting of metals by means of an electrical, oxy-acetylene or similar process
- 4 The following processes when carried on by means of hand tools or other portable tools—
  - (a) fettling of metal castings involving the removal of metal,
  - (b) cutting out or cutting off (not including drilling or punching back) of cold rivets or bolts from boilers or other plant or from ships,
  - (c) chipping or scaling of boilers or ships' plates,
  - (d) breaking or dressing of stone, concrete or slag

## Section 59

## FIFTH SCHEDULE

PARTICULARS TO BE SUBMITTED BY OCCUPIER OF PREMISES (OTHER THAN  
A FACTORY) IN WHICH A STEAM BOILER IS USED

- 1 Name of the occupier or title of the firm
- 2 Address and location of the premises
- 3 Nature of the work carried on, or proposed to be carried on, in the premises
- 4 The following particulars in respect of each steam boiler in use—
  - (a) type, description and distinctive number,
  - (b) country and year of manufacture,
  - (c) date of the last thorough examination and name of the person by whom the examination was made,
  - (d) maximum permissible working pressure in pounds per square inch

## MEMORANDUM OF OBJECTS AND REASONS

This Bill will make provision for the safety, health and welfare of persons employed in factories and certain other classes of premises. It is a comprehensive measure, designed to meet the needs of the community both at the present time and in its subsequent stages of industrial development.

In accordance with the present policy of endeavouring to co-ordinate legislation of a technical nature, this Bill has been prepared in close collaboration with the Governments of Tanganyika and Uganda, and similar legislation will, it is hoped, be introduced in due course in those territories.

## Clause 1

It is the intention that the Factories Ordinance shall come into operation one year after its enactment, giving occupiers of factories a year's grace in which to study the new requirements and to take steps to comply with them. The proviso to *clause 1* of the Bill gives the Governor in Council discretion to postpone the date of coming into operation of particular requirements, either as regards factories generally or any class or description of factory. The Governor in Council is also empowered, under this clause, to defer application of the whole Ordinance if he considers that circumstances warrant such action.

Part I,  
clauses 2-4

Part I of the Bill is concerned with the general application of the Ordinance, and will (subject to the provisions of clause 1) apply the Ordinance to all factories as defined, irrespective of whether they are in Government or private occupation. *Clause 4* gives the Governor power by order to exempt factories generally or any class or description of factory from the Ordinance in case of public emergency.

Part II,  
clauses 5-6

Part II of the Bill relates to Interpretation. *Clause 5* provides a comprehensive definition of "factory". Other definitions are set out in *clause 6*.

Part III,  
clauses 7-12

Part III makes provision for the registration of factories. *Clause 8* requires occupiers of existing factories to apply in writing for the



registration of their premises within one month after the commencement of the Ordinance, registration of such premises will follow automatically upon receipt of the application. In the case of new factories, *clause 9* provides for application for registration to be made *before* occupation, and in such cases the chief inspector of factories may withhold a certificate of registration if he considers that the premises are not suitable for use as a factory of the nature proposed. *Clause 9 (3)* makes it an offence for any person to occupy as a factory any premises which were not so occupied by him at the commencement of the Ordinance unless he is in possession of a valid certificate of registration. There is provision in *clauses 11* and *12* for appeal against the refusal of the chief inspector to register a new factory. *Clause 10* requires notification of the first use of mechanical power in any factory.

Part IV of the Bill is designed to safeguard the general health of workers, and contains provisions relating to cleanliness, overcrowding, ventilation, lighting, drainage of floors and sanitary conveniences. *Clause 13* requires the daily removal of dust and refuse, the weekly cleaning of floors, and the periodic cleansing, painting, whitewashing or colourwashing of walls, ceilings and partitions. *Clause 14*, which is directed against the overcrowding of workrooms, lays down the minimum amount of air space to be allowed each worker and fixes a minimum height for workrooms. These minimum standards are not, however, to become operative in relation to existing workrooms until four years after the passing of the Ordinance, there is also provision for the chief inspector granting exemption from the minimum height requirement in certain circumstances.

Part V contains provisions relating to the safety of persons employed in factories. *Clauses 21, 22* and *23* lay down requirements for the safeguarding of prime movers, transmission machinery and the dangerous parts of other machinery, while *clause 26* makes it an offence for any person to sell or let on hire for use in a factory in the Colony, any machine not conforming to certain standards of safeguarding. *Clause 24* prescribes the circumstances in which approach may be made to unfenced machinery normally safe by position or construction, and lays down strict conditions for such approach. Other clauses impose stringent requirements as to the construction, maintenance and examination of hoists and lifts, of cranes and other lifting gear, of steam boilers, receivers and containers, and of air receivers. This Part of the Bill also contains provisions relating to such varied subjects as the construction and maintenance of fencing, vessels containing dangerous liquids, self-acting machines (such as metal planers and spinning mules), the training and supervision of inexperienced workers, safe means of access and safe place of employment, precautions in confined places where dangerous fumes are liable to be present, precautions in connexion with explosive or inflammable dusts or vapours, and fire precautions. Under *clauses 43* and *44*, power is given to a magistrate's court to make orders as to dangerous conditions and practices, and as to dangerous factories. Any person aggrieved by such an order has the right of appeal to a judge of the Supreme Court.

The welfare provisions, which relate to the supply of drinking water, washing facilities, clothing accommodation, seats for female workers, and first-aid, are contained in Part VI of the Bill.

Part VII of the Bill contains special provisions having a bearing upon the health, safety and welfare of workers. *Clause 51* requires the protection of workers against the inhalation of injurious or offensive dusts or fumes given off in a process, and, in particular, the provision of exhaust appliances where these are practicable. *Clause 52* prohibits the taking of food or drink in any workroom where injurious substances are used in such a way as to give rise to any dust or fume. *Clause 53* requires the provision of suitable protective clothing and appliances for workers employed in certain processes. Under *clause 54*, goggles or screens must be provided to afford eye protection to workers employed in processes involving a special risk of eye injury, this clause also contains a provision aimed at protecting all persons employed against the "flash" from electric arc welding. *Clause 55* empowers the Member to make rules for safeguarding the health, safety and welfare of persons employed in specially dangerous or offensive trades. Under *clause 56*, an inspector is given power to take for analysis samples of any substance used or intended to be used in any factory.

Part VIII of the Bill extends the application of some of its provisions to certain classes of premises other than factories. Where only part of a building is used as a factory, certain provisions of the Ordinance are deemed to apply to parts of the building used for the purposes of the factory but not actually comprised therein, the

owner being responsible (subject to conditions) for any contravention Docks, wharves and quays, and all premises in which steam boilers are used, are also brought within the scope of the Bill *Clause 60* gives the Governor in Council power to extend the application of the Ordinance, for example, to warehouses and building operations, should this appear desirable

Part IX,  
clauses 61-66

Part IX is to a large extent, concerned with the forms that must be used in relation to, or affixed or kept in a factory *Clause 64* empowers the Member to require returns from occupiers *Clause 65* imposes duties upon persons employed Any worker who wilfully interferes with or misuses anything provided for securing the health, safety or welfare of persons employed in a factory, or who fails to use anything provided for securing his health or safety, or who wilfully does anything to endanger himself or others, will be guilty of an offence *Clause 66* prohibits deductions from wages in respect of anything provided in pursuance of the Ordinance

Part X,  
clauses 67-71

Part X of the Bill deals with matters of an administrative nature Under *clause 67*, the Labour Commissioner is made responsible for the administration of the Ordinance *Clause 68* provides for the appointment of a chief inspector and other inspectors, while *clauses 69* and *70* define inspectors' powers *Clause 71* contains provisions relating to rules and orders made under the Ordinance

Part XI,  
clauses 72-84

Offences, penalties and legal proceedings are covered by Part XI of the Bill Any contravention of a provision of the Ordinance is deemed to be an offence Generally speaking, it will be the occupier of a factory who will be guilty of the offence, although in certain circumstances it may be the owner or an employed person *Clause 73* lays down the penalty for offences for which no express penalty is provided elsewhere in the Ordinance *Clause 74* gives a court power to order the cause of a contravention to be remedied, either in addition to or instead of imposing a penalty Under *clause 75*, heavier penalties are imposable where any person is killed, or dies, or suffers bodily injury in consequence of a contravention of any of the provisions of the Ordinance Heavy penalties may also be imposed, under *clause 76*, in respect of forgery of certificates, false entries in registers, etc *Clause 78* gives an occupier or owner, charged with an offence under this Ordinance, power to have any other person whom he alleges to be the actual offender brought before the court at the time appointed for hearing the charge, and lays down the procedure to be followed in such cases In order to facilitate proceedings against a person who is substituted for an owner or occupier, *clause 79* authorizes the necessary service of any summons, order or notice *Clauses 80, 81* and *82* contain provisions relating to the prosecution of offences, evidence and the service and sending of documents *Clause 83* gives an owner or occupier the right to apply to a judge in chambers for the modification of any agreement by which either party may be prevented from carrying out such alterations to any premises as may be necessary in order to comply with the Ordinance *Clause 84* gives power to a judge in chambers to apportion, as between an owner and occupier, the expenses of making any alterations required in order to secure compliance with the Ordinance

Part XII,  
clauses 85-86

Part XII provides for the repeal of the Boilers, Prime Movers and Machinery Ordinance, and makes it clear that the provisions of this Ordinance are to be in addition to, and do not replace or minimize the effect of, the provisions of other law in force in the Colony

If the provisions of this Bill become law, it is estimated that an additional annual expenditure of public funds of approximately £2,000 will be involved

Nairobi,  
1st February, 1950

K K O'CONNOR,  
*Attorney General*