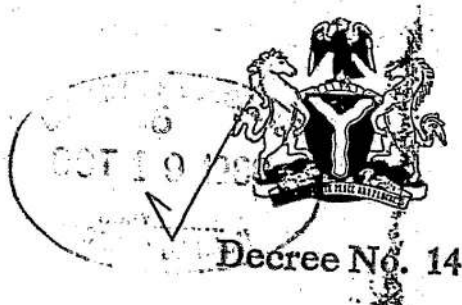


POLICE (AMENDMENT) DECREE 1987



[27th August 1985]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:—

1. The Police Act is hereby amended—

(a) by inserting immediately after section 6 thereof the following new section, that is—

Amendment
of Cap. 154.

“Establish-
ment of the
Nigeria
Police
Council, etc.
6A.—(1) Notwithstanding sections 194, 195 and 196 of the Constitution of the Federal Republic of Nigeria 1979 and paragraph 17 of Part 1 of the Third Schedule thereto, there is hereby established a body to be known as the Nigeria Police Council (hereafter in this Act referred to as “the Council”) which shall consist of—

- (a) the President, Commander-in-Chief of the Armed Forces as Chairman ;
- (b) the Chief of General Staff ;
- (c) the Attorney-General of the Federation ;
- (d) the Minister of Internal Affairs ; and
- (e) the Inspector-General of Police.

(2) The Permanent Secretary in the Police Affairs Department shall be the Secretary to the Council.

(3) The Council shall be charged with the policy and administration of the Nigeria Police Force and all other matters relating thereto including matters relating to the operational control of the Force other than matters relating to the appointment, disciplinary control and dismissal of members of the Force.

(4) The President, Commander-in-Chief of the Armed Forces shall cause the Council to be fully informed concerning the matters under its supervision and shall cause the Council to be furnished with such other information as the Council may require with respect to any specific matter under its supervision.

(5) The Council may make recommendations to the Federal Military Government with respect to any matter under its supervision.

(6) Nothing in the foregoing provisions of this section shall be construed as affecting persons other than members of the Force in the service of the Nigeria Police Force.” ;

(b) by substituting for section 19 thereof the following new section, that is—

“Conduct
of
prosecu-
tions.

19. Subject to the provisions of sections 160 and 191 of the Constitution of the Federal Republic of Nigeria 1979 (which relate to the power of the Attorney-General of the Federation and of a State to institute and undertake, take over and continue or discontinue criminal proceedings against any person before any court of law in Nigeria), any police officer may conduct in person all prosecutions before any court whether or not the information or complaint is laid in his name.”.

Citation
and com-
mencement.

2. This Decree may be cited as the Police (Amendment) Decree 1987 and shall be deemed to have come into force on 27th August 1985.

MADE at Lagos this 20th day of April 1987.

MAJOR-GENERAL I. B. BABANGIDA,
*President, Commander-in-Chief
of the Armed Forces,
Federal Republic of Nigeria*

EXPLANATORY NOTE

*(This note does not form part of the above Decree but is
intended to explain its purport)*

The Decree amends the Police Act to establish a Nigeria Police Council to be responsible for the policy and administration of the Nigeria Police Force. The Decree also makes the power of the police to conduct prosecutions subject to the powers vested in the Attorney-General of the Federation and of the States under the Constitution of the Federal Republic of Nigeria 1979.

**SPECIAL TRIBUNAL (MISCELLANEOUS OFFENCES)
(AMENDMENT) DECREE 1987**



Decree No. 15

[20th April 1987]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:—

1. The Schedule to the Special Tribunal (Miscellaneous Offences) Decree 1984, as amended by the Special Tribunal (Miscellaneous Offences) (Amendment) Decree 1986, is hereby further amended—

Amendment
of 1984
No. 20,
1986 No. 27.

(a) in Rules 1 and 2 thereof by inserting immediately after the words “proof of evidence”, the words “or evidence on affidavit” ;

(b) in paragraph 2 of Form 1 thereof by inserting immediately before the words “evidence on affidavit”, the words “proof of evidence or” ;

(c) in paragraph 3 of Form 1 thereof by inserting after the words “proof of evidence”, the words “or affidavit”.

2. This Decree may be cited as the Special Tribunal (Miscellaneous Offences) (Amendment) Decree 1987.

Citation.

MADE at Lagos this 20th day of April 1987.

MAJOR-GENERAL I. B. BABANGIDA,
*President, Commander-in-Chief
of the Armed Forces,
Federal Republic of Nigeria*

EXPLANATORY NOTE

*(This note does not form part of the above Decree
but is intended to explain its purport)*

The Decree further amends the Special Tribunal (Miscellaneous Offences) Decree 1984 to enable application for the trial of offences to be supported by proof of evidence or affidavit, as the case may be.

FACTORIES DECREE 1987



ARRANGEMENT OF SECTIONS

Section

PART I—REGISTRATION OF FACTORIES

1. Register of factories.
2. Registration of existing factories.
3. Registration of new factories.
4. Notification of change in particulars furnished.
5. Appointment of Factories Appeal Board.
6. Appeal to Board from decision of Director of Factories.

PART II—HEALTH (GENERAL PROVISIONS)

7. Cleanliness.
8. Overcrowding.
9. Ventilation.
10. Lighting.
11. Drainage of floors.
12. Sanitary conveniences.
13. Duty of inspector as to sanitary defects remediable by local authority.

PART III—SAFETY (GENERAL PROVISIONS)

14. Prime movers.
15. Transmission machinery.
16. Powered machinery.
17. Other machinery.
18. Provisions as to unfenced machinery.
19. Construction and maintenance of fencing.
20. Construction and disposal of new machinery.
21. Vessels containing dangerous liquids.
22. Self-acting machines.
23. Training and supervision of inexperienced workers.

24. Hoists and lifts.
25. Chains, ropes and lifting tackle.
26. Cranes and other lifting machines.
27. Register of chains, etc. and other lifting machines.
28. Safe means of access and safe place of employment.
29. Precautions in places where dangerous fumes are likely to be present.
30. Precautions with respect to explosives or other inflammable dust, gas, vapour or substance.
31. Steam boilers.
32. Steam receivers and steam containers.
33. Air receivers.
34. Exception as to steam boilers, steam receivers and steam containers and air receivers.
35. Prevention of fire.
36. Safety provisions in case of fire.
37. Power of inspector to issue improvement notice.
38. Power of inspector to issue prohibition notice as to dangerous factory.
39. Appeal against notice.

PART IV—WELFARE (GENERAL PROVISIONS)

40. Supply of drinking water.
41. Washing facilities.
42. Accommodation for clothing.
43. First-aid.
44. Exemption if ambulance room is provided.

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

45. Removal of dust or fumes.
46. Meals in certain dangerous trades.

- 47. Protective clothing and appliances.
- 48. Protection of eyes in certain processes.
- 49. Power to make regulations for certain health safety and welfare.
- 50. Power to take samples.

PART VI—NOTIFICATION AND
INVESTIGATION OF ACCIDENTS AND
INDUSTRIAL DISEASES

- 51. Notification of accidents.
- 52. Power to extend dangerous occurrences provisions as notice of accidents.
- 53. Notification of industrial disease.

PART VII—SPECIAL APPLICATIONS,
EXTENSION AND
MISCELLANEOUS PROVISIONS

- 54. Premises where part of building is separate factory.
- 55. Docks, wharves and quays.
- 56. Premises in which steam boilers are used.
- 57. Power to extend application of provisions of Decree.

PART VIII—GENERAL REGISTERS, ETC.

- 58. General registers.
- 59. Preservation of registers and records.
- 60. Posting of abstract of Decree, regulations and notices.
- 61. Duties of persons employed.
- 62. Prohibition of deductions from wages.

PART IX—ADMINISTRATION

- 63. Report.
- 64. Appointment of inspectors.
- 65. Powers of inspectors.
- 66. Power of inspectors to conduct proceedings before a magistrate's Court.

- 67. Provisions as to regulations made under this Decree.

- 68. Publication in the *Gazette* of certificates issued or revoked by the Director of Factories.

PART X—OFFENCES, PENALTIES
AND LEGAL PROCEEDINGS

- 69. Offences.
- 70. Penalty for offences for which no express penalty is provided.
- 71. Penalty in cases of death or injury.
- 72. Forgery of certificates, false entries and false declarations.
- 73. Penalty for persons actually committing offence for which occupier is liable.
- 74. Powers of occupier or owner to exempt himself from liability on the conviction of actual offender.
- 75. Proceedings against persons other than occupier or owners.
- 76. Owner of machine liable in certain cases instead of occupier.
- 77. Prosecution of offences.
- 78. Special provisions as to evidence.
- 79. Service and sending of documents, etc.
- 80. Power to modify agreements.
- 81. Power to apportion expenses.

PART XI—GENERAL

- 82. Saving.
- 83. General application.
- 84. Application to factories belonging to Government of the Federation or States.
- 85. Power to exempt in cases of emergency.
- 86. Repeals and savings.
- 87. Meaning of factory.
- 88. Interpretation.
- 89. Citation.

SCHEDULES.

Decree No. 16

[11th June 1987]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

PART I—REGISTRATION OF FACTORIES

1. The Director of Factories 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 Decree as he may consider necessary or desirable.

Register of
factories.

2.—(1) Every person who at the commencement of this Decree occupies a factory shall, within one month after such commencement, apply for the registration of such factory to the Director of Factories by completing the Application Form prescribed in Schedule 1 to this Decree.

Registration
of existing
factories.

(2) Upon receipt of such application as aforesaid, the Director of Factories shall cause the factory to be registered and shall issue to the occupier a certificate of registration in the form set out in Schedule 2 to this Decree.

3.—(1) Before any person occupies or uses as a factory any premises which were not so occupied or used by him at the commencement of this Decree, he shall apply for the registration of such premises by sending to the Director of Factories an application containing the particulars set out in Schedule 1 to this Decree.

Registration
of new
factories.

(2) Upon receipt of such application and on being satisfied that the premises are suitable for use as a factory of the nature stated in the notice the Director of Factories shall cause the premises to be registered and shall issue to the applicant a certificate of registration in the form set out in Schedule 2 to this Decree.

(3) An application under this section shall be filed with the Director of Factories at least six months before the commencement of actual construction of a building or structures intended to be used as factory.

(4) Any person who—

(a) not having been issued a certificate of registration as aforesaid occupies or uses as a factory any premises which have not been registered as a factory ; or

(b) having been issued a certificate of registration of a factory as aforesaid occupies or uses as a factory any premises which were not so registered as a factory,

shall be guilty of an offence.

(5) Any person who commits an offence under subsection (4) of this section shall be liable on conviction to a fine not exceeding ₦2,000 or to imprisonment for 12 months or to both such fine and imprisonment and if the contravention is continued after conviction, the person shall be guilty of a further offence and liable on conviction in respect thereof to a fine not exceeding ₦100 or to imprisonment not exceeding 14 days for each day on which the offence was so continued.

(6) Where the Director of Factories refuses to issue a certificate of registration under this section he shall, if so requested by the applicant, state in writing the grounds of such refusal.

4. If, at any time after an application has been sent to the Director of Factories in pursuance of the provisions of section 2 or 3 of this Decree, any

Notification
of change in
particulars
furnished.

change occurs with respect to the particulars set out in the application, the occupier of the premises to which the application relates shall forthwith inform the Director of Factories, in writing, of such change, and, if he fails to do so, he shall be guilty of an offence under this Decree.

5—(1) Subject to the provisions of subsections (2) and (3) of this section, the Minister may, by notice in the Gazette appoint such persons as he thinks fit to constitute a Factories Appeal Board (here after in this Decree referred to as "the Board") for the purpose of hearing and determining any appeal that may be submitted to it under the provisions of section 6 of this Decree.

(2) If the Minister deems it expedient that a person holding office in the public service of the Federation should be appointed to the Board, the Minister shall so inform the President, Commander-in-Chief of the Armed Forces who may, if he thinks fit, appoint a person holding office as aforesaid to the Board.

(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 re-varnished 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 the other cases, be kept whitewashed or colour washed, and the whitewashing or colour washing shall be repeated at least once in every period of twelve months.

(2) Where it appears to the Director of Factories that in any class or description of factory or part thereof any of the provisions of subsection (1) 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 irrelevant

- 47. Protective clothing and appliances.
- 48. Protection of eyes in certain processes.
- 49. Power to make regulations for certain health safety and welfare.
- 50. Power to take samples.

PART VI—NOTIFICATION AND INVESTIGATION OF ACCIDENTS AND INDUSTRIAL DISEASES

- 51. Notification of accidents.
- 52. Power to extend dangerous occurrences provisions as notice of accidents.
- 53. Notification of industrial disease.

PART VII—SPECIAL APPLICATIONS, EXTENSION AND MISCELLANEOUS PROVISIONS

- 54. Premises where part of building is separate factory.
- 55. Docks, wharves and quays.
- 56. Premises in which steam boilers are used.
- 57. Power to extend application of provisions of Decree.

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PART IX—ADMINISTRATION

- 63. Report.
- 64. Appointment of inspectors.
- 65. Powers of inspectors.
- 66. Power of inspectors to conduct proceedings before a magistrate's Court.

- 67. Provisions as to regulations made under this Decree.
- 68. Publication in the *Gazette* of certificates issued or revoked by the Director of Factories.

PART X—OFFENCES, PENALTIES AND LEGAL PROCEEDINGS

- 69. Offences.
- 70. Penalty for offences for which no express penalty is provided.
- 71. Penalty in cases of death or injury.
- 72. Forgery of certificates, false entries and false declarations.
- 73. Penalty for persons actually committing offence for which occupier is liable.
- 74. Powers of occupier or owner to exempt himself from liability on the conviction of actual offender.
- 75. Proceedings against persons other than occupier or owners.
- 76. Owner of machine liable in certain cases instead of occupier.
- 77. Prosecution of offences.
- 78. Special provisions as to evidence.
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PART XI—GENERAL

- 82. Saving.
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- 84. Application to factories belonging to Government of the Federation or States.
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- 87. Meaning of factory.
- 88. Interpretation.
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SCHEDULES.

Decree No. 16

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THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

PART I—REGISTRATION OF FACTORIES

1. The Director of Factories 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 Decree as he may consider necessary or desirable.

Register of
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2.—(1) Every person who at the commencement of this Decree occupies a factory shall, within one month after such commencement, apply for the registration of such factory to the Director of Factories by completing the Application Form prescribed in Schedule 1 to this Decree.

Registration
of existing
factories.

(2) Upon receipt of such application as aforesaid, the Director of Factories shall cause the factory to be registered and shall issue to the occupier a certificate of registration in the form set out in Schedule 2 to this Decree.

3.—(1) Before any person occupies or uses as a factory any premises which were not so occupied or used by him at the commencement of this Decree, he shall apply for the registration of such premises by sending to the Director of Factories an application containing the particulars set out in Schedule 1 to this Decree.

Registration
of new
factories.

(2) Upon receipt of such application and on being satisfied that the premises are suitable for use as a factory of the nature stated in the notice the Director of Factories shall cause the premises to be registered and shall issue to the applicant a certificate of registration in the form set out in Schedule 2 to this Decree.

(3) An application under this section shall be filed with the Director of Factories at least six months before the commencement of actual construction of a building or structures intended to be used as factory.

(4) Any person who—

(a) not having been issued a certificate of registration as aforesaid occupies or uses as a factory any premises which have not been registered as a factory ; or

(b) having been issued a certificate of registration of a factory as aforesaid occupies or uses as a factory any premises which were not so registered as a factory,

shall be guilty of an offence.

(5) Any person who commits an offence under subsection (4) of this section shall be liable on conviction to a fine not exceeding ₦2,000 or to imprisonment for 12 months or to both such fine and imprisonment and if the contravention is continued after conviction, the person shall be guilty of a further offence and liable on conviction in respect thereof to a fine not exceeding ₦100 or to imprisonment not exceeding 14 days for each day on which the offence was so continued.

(6) Where the Director of Factories refuses to issue a certificate of registration under this section he shall, if so requested by the applicant, state in writing the grounds of such refusal.

4. If, at any time after an application has been sent to the Director of Factories in pursuance of the provisions of section 2 or 3 of this Decree, any

Notification
of change in
particulars
furnished.

change occurs with respect to the particulars set out in the application, the occupier of the premises to which the application relates shall forthwith inform the Director of Factories, in writing, of such change, and, if he fails to do so, he shall be guilty of an offence under this Decree.

Appointment
of Factories
Appeal
Board.

5.—(1) Subject to the provisions of subsections (2) and (3) of this section, the Minister may, by notice in the *Gazette* appoint such persons as he thinks fit to constitute a Factories Appeal Board (here after in this Decree referred to as "the Board") for the purpose of hearing and determining any appeal that may be submitted to it under the provisions of section 6 of this Decree.

(2) If the Minister deems it expedient that a person holding office in the public service of the Federation should be appointed to the Board, the Minister shall so inform the President, Commander-in-Chief of the Armed Forces who may, if he thinks fit, appoint a person holding office as aforesaid to the Board.

(3) The Board shall consist of a Chairman and not less than four other members, and the Chairman shall be a legal practitioner who has been so qualified for not less than 10 years.

(4) The Minister may make regulations governing the procedure of the Board and, in the absence of any such regulations, the Board shall determine its own procedure.

Appeal to
Board from
decision of
Director of
Factories.

6.—(1) If any person is aggrieved by a decision of the Director of Factories under the provisions of this Part of this Decree, he may, within thirty days from the date of such decision, send to the Chairman of the Board and to the Director of Factories written notice of his intention to appeal to the Board against the decision, and such notice shall state the grounds of appeal.

(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) For the purposes of subsection (2) of this section, the Director of Factories shall be a party concerned in the appeal and he as well as the appellant shall be entitled to appear and be heard before the Board at the hearing of such appeal, and may be represented thereat by a legal practitioner.

(4) The Board, may, on hearing the appeal, confirm, vary or reverse the decision of the Director of Factories and the decision of the Board shall be final.

PART II—HEALTH (GENERAL PROVISIONS)

Cleanliness.

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

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

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

(c) all 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 re-varnished 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 the other cases, be kept whitewashed or colour washed, and the whitewashing or colour washing shall be repeated at least once in every period of twelve months.

(2) Where it appears to the Director of Factories that in any class or description of factory or part thereof any of the provisions of subsection (1) 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, by order published in the *Gazette* direct that those provisions shall not apply to factories or parts of factories, of that class or description, or shall apply as varied by the order.

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

Over-crowding.

(2) Without prejudice to the generality of the foregoing provisions, 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 four hundred cubic feet.

(3) Every workroom shall not be 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.

(4) If the Director of Factories is satisfied that owing to the special conditions under which the work is carried on in any workroom the application of the provisions of subsection (2) or (3) of this section to that workroom would be inappropriate or unnecessary, he may by a certificate in writing except the workroom from those provisions subject to any conditions specified in the certificate.

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

(6) In calculating for the purposes of this section the amount of cubic space in any room, no space more than 4 metres from the floor shall be taken into account, and, where a room contains a gallery, the gallery shall be treated for the purposes of this section as if it were partitioned off from the remainder of the room and formed a separate room.

(7) The Minister may make regulations, as respects any class or description of factory or parts thereof or any process, increasing the number of cubic metre which shall under this section be allowed for every person employed in a workroom.

9.—(1) Effective and suitable provision shall be made for securing and maintaining by the circulation of fresh air in each workroom the adequate ventilation of the room.

Ventilation.

(2) The Minister may make regulations specifying a standard of adequate ventilation for factories or for any class or description of factory or parts thereof.

Lighting.

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

(2) All glazed windows and skylights used for the lighting of workrooms shall, so far as practicable, be kept clean on both the inner and outer surfaces and free from obstruction, provided that this subsection shall not affect the whitewashing or shading of windows and skylights for the purpose of mitigating heat or glare.

(3) The Minister may make regulations specifying a standard of suitable and sufficient lighting for factories or for any class or description of factory or parts thereof, or for any process.

Drainage of floors.

11. 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.

Sanitary conveniences.

12.—(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.

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

Duty of inspector as to sanitary defects remediable by local authority.

13.— (1) Where an inspector finds any act or default in relation to any drain, sanitary convenience or water supply or any nuisance or other matter in a factory which appears to him to be the concern of any local government under any law, he shall give notice thereof in writing to the local government council.

(2) If a period of three months has elapsed since the giving of such notice to the local government council concerned and the nuisance remains unabated, the inspector shall take such action as he deems necessary to abate the nuisance, and the owner or occupier of the premises shall bear the cost thereof.

PART III—SAFETY (GENERAL PROVISIONS)

Prime movers.

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

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

(3) Every part of any electric generator, motor or rotary converter, 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.

15.—(1) Every part of any transmission machinery shall be securely fenced unless it is in such 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.

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

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

(5) The Director of Factories may by certificate in writing grant, subject to any conditions specified in the certificate, exemption from compliance with any of the requirements of subsections (2), (3) and (4) of this section in any case where he is satisfied that compliance with the requirement is unnecessary or impracticable.

16.—(1) Every power driven machine having its individual sources of power shall be provided with an efficient starting and stopping appliance or control.

Powered
machinery.

(2) Every electrical equipment or appliance intended for use in a factory shall be of such construction as to be safe for use by all persons required to use same or who come into contact with same and shall be maintained at all times in a safe condition.

17.—(1) Every dangerous part of any machinery, other than prime movers and transmission machinery, shall be securely fenced unless it is in such a position or of such construction as to be as safe to every person employed or working on the premises as it would be if securely fenced, provided that, in so far as the safety of a dangerous part of any machinery cannot by reason of the nature of the operation be secured by means of a fixed guard, the requirements of this subsection shall be deemed to have been complied with if a device is provided which in the opinion of the Director of Factories satisfactorily protects the operator or other persons from coming into contact with that part.

Other
machinery.

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

18.—(1) In determining, for the purposes of the foregoing provisions of this Part of this Decree, whether any part of any machinery is in such a position or of such construction as to be as safe to every person employed or working on the premises as it would be if securely fenced—

Provisions as
to unfenced
machinery.

(a) no account shall be taken of any person carrying out, while the part of machinery is in motion, an examination thereof or any lubrication or

adjustment shown by such examination to be immediately necessary, being an examination, lubrication or adjustment which it is necessary to carry out while the part of machinery is in motion ; and

(b) in the case of any part of transmission machinery used in any process in any factory with respect to which the Director of Factories 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 circumstance and subject to such conditions as may be specified in the certificate, any lubrication or any mount-in or shipping of belts.

(2) The provisions of this section shall only apply where—

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

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

(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 copy of such certificate signed by him ;

(iii) has been sufficiently trained for the purposes of the work entailed by, and is acquainted with the dangers of moving machinery arising in connection with, such examination, lubrication or other operation ; and

(iv) has been provided by the occupier with and is wearing a close fitting 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 ;

(b) 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 ;

(c) such steps as may be necessary, including where appropriate and reasonably practicable the erection of a barrier, are taken to prevent any person, other than a person carrying out the operation, from being in a position where he is exposed to risk of injury from the machinery ; and

(d) 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.

19. All fencing or other safeguards provided in pursuance of the foregoing provisions of this Part of this Decree 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 section 18 (2) of this Decree are complied with.

Construction and disposal of new machinery.

20.—(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 safe as it would be if completely encased.

(2) Any person who manufactures, assembles, sells or lets on hire or who as an agent of the manufacturer, assembler, seller or hirer causes or procures to be sold or let on hire for use in a factory in Nigeria, any machine intended to be driven by mechanical power which does not comply with the requirements of this section shall be guilty of an offence and liable on conviction to a fine not exceeding ₦5,000.

(3) The Minister may by order published in the *Gazette* extend the provisions of this section to such other dangerous part of machinery or plant as may be specified in the order.

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

Vessels containing dangerous liquids.

(2) As respects any plant mentioned in subsection (1) of this section, a warning notice in English and in such Nigerian languages as an inspector may direct, indicating the nature of the danger, shall be marked on or attached to the plant or, if this is not reasonably practicable, be posted nearby.

22.—(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 in the course of his employment or otherwise, be allowed on its outward or inward traverse to run within a distance of forty-six centimetres from any fixed structure not being part of the machine.

Self-acting machines.

(2) All practicable steps shall be taken by instructions to the person in charge of the machine 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 traversing part on the outward run.

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

Training and supervision of inexperienced workers.

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

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

24.—(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 least once in every period of six months by a person approved for the purpose of this section by the Director of Factories by a 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 filed with the Director of Factories and also be entered in or attached 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.

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

Provided that in the case of a hoist or lift not connected with mechanical powers, it shall be sufficient for the purpose of this subsection if the gate shall be kept closed and fastened except when the cage or platform is at rest at the landing.

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

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

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

(a) efficient automatic devices shall be provided and maintained to prevent the cage or platform over-running ;

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

(c) 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 other attachments.

(8) In the case of a hoist or lift not connected with mechanical power subsection (7) of this section shall not apply.

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

(10) If it is shown to the satisfaction of the Director of Factories 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 may by notice published in the *Gazette* except from such requirement hoists, lifts, hoistways or liftways of that class or description; and any such exception may be unqualified or may be subject to such conditions as may be contained in the notice.

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

Chains, ropes
and lifting
tackle.

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

(b) a table showing the safe working loads of every kind and size of chain, rope or lifting tackle in use, and, in the case of a multiple sling, the safe working load at different angles of the legs, shall be 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;

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

(d) all chains, ropes and lifting tackle in use shall be thoroughly examined at least once in every period of six months, or at such greater intervals as the Director of Factories may permit in any particular case, by a person approved for the purposes of this section by the Director of Factories by certificate in writing;

(e) no chain, rope or lifting tackle 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 Director of Factories for the purposes of this section as aforesaid and a certificate of such a test and examination, has been obtained; and a report for each chain, rope or lifting tackle in the prescribed form shall be filed with the Director of Factories and the certificate shall be kept available for inspection;

(f) every chain and lifting tackle, except a rope sling, shall, unless of a class or description exempted by the Director of Factories 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 connection with molten metal or molten slag, in every six months, so however, that chains and lifting tackles 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.

26.—(1) All parts and working gear whether fixed or movable, including the anchorage 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 and also after every substantial alteration or repair, by a person approved for the purposes of this section by the Director of Factories 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 subsection (1) of this section have been thoroughly examined, by a person approved by the Director of Factories for the purposes of this section as aforesaid and—

(a) a certificate of such a test and examination specifying the safe working load or loads of the machines and signed by the person making the test and examination has been obtained ; and

(b) a report for each crane or lifting machine in the prescribed form has been filed with the Director of Factories, and the certificate shall be kept available for inspection.

(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 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 subsection (5) of this section.

(7) If any person is employed or working on or near the wheel track of a self-propelled 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 four metres 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 eighteen years of age shall be employed to operate any lifting machine driven by mechanical power 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.

27. A register, containing the particulars set out in Schedule 3 to this Decree, shall be kept in every factory with respect to all chains, ropes or lifting tackle to which section 25 of this Decree applies, and with respect to all lifting machines to which section 26 of this Decree applies.

Register of chains, etc. and other lifting machine.

Safe means of access and safe place of employment.

28.—(1) All floors, steps, stairs, passages, gangways and other parts of a structure or building used as a factory shall be of sound construction and properly maintained and kept safe at all times and before the construction of any factory, the building plans and such other documents as the Director of Factories may require, shall be submitted to him for approval not less than six months before the commencement of such construction.

(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 in every factory safe means of access to every place at which any person has to be or 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; and 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 two metres, then, unless the place is one which affords secure foothold and, where necessary, secure hand-hold 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—

(a) be provided with a secure hand-hold on each side of the opening or doorway; and

(b) 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.

29.—(1) Where work has to be done inside any chamber, tank, vat, pit or other confined place, in which dangerous fumes are likely to be present—

(a) the Director of Factories shall be notified in writing, in the prescribed form, before the commencement of work;

(b) the confined space, shall be provided with adequate means of egress for persons entering or working therein; and

(c) no person shall enter the confined space for any purpose unless—

(i) all practicable steps have been 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 has worn a suitable breathing apparatus;

(d) suitable breathing apparatus and suitable reviving apparatus and suitable belts and ropes shall be provided and maintained so as to be readily accessible; and

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

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

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

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

(a) efficient automatic devices shall be provided and maintained to prevent the cage or platform over-running ;

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

(c) 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 other attachments.

(8) In the case of a hoist or lift not connected with mechanical power section (7) of this section shall not apply.

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

(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 Director of Factories may permit in any particular case, by a person approved for the purposes of this section by the Director of Factories by certificate in writing ;

(e) no chain, rope or lifting tackle 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 Director of Factories for the purposes of this section as aforesaid and a certificate of such a test and examination, has been obtained; and a report for each chain, rope or lifting tackle in the prescribed form shall be filed with the Director of Factories and the certificate shall be kept available for inspection ;

(f) every chain and lifting tackle, except a rope sling, shall, unless of a class or description exempted by the Director of Factories 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 connection with molten metal or molten slag, in every six months, so however, that chains and lifting tackles 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.

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

(2) All such parts and gear as aforesaid shall be thoroughly examined at least once in every period of fourteen months and also after every substantial alteration or repair, by a person approved for the purposes of this section by the Director of Factories by certificate in writing.

Cranes and other lifting machines.