

L.N. 34 of 2003

**OCCUPATIONAL HEALTH AND SAFETY
AUTHORITY ACT
(CAP. 424)**

Factories (Night Work by Women) (Repeal) Regulations, 2003

In exercise of the powers conferred by article 12 of the Occupational Health and Safety Authority Act, the Deputy Prime Minister and Minister for Social Policy, in consultation with the Occupational Health and Safety Authority, has made the following regulations:–

Citation.

1. The title of these regulations is the Factories (Night Work by Women) (Repeal) Regulations, 2003.

Repeals
G.N. 114
of 1952.

2. The Factories (Night Work by Women) Regulations, 1952 are hereby repealed.

Factories (Health, Safety and Welfare) Regulations, 1986 ¹

Arrangement of Regulations

1. Citation and commencement
2. Interpretation

PART 1

SAFETY

General Provisions

3. Prime movers
4. Transmission machinery
5. Other machinery
6. Construction and maintenance of fencing
7. Construction and sale of machinery
8. Dangerous substances
9. Cleaning of machinery by women and young persons
10. Self-acting machines
11. Training at dangerous machinery
12. Floors, passages, stairs and ladders
13. Safe means of access and safe place of employment
14. Teagle openings and similar doorways
15. Provisions as to unfenced machinery
16. Chains, ropes and lifting tackle
17. Cranes and other lifting machines
18. Dangerous fumes and lack of oxygen
19. Explosive or inflammable substances

¹ This is the text of the Factories (Health, Safety and Welfare) Regulations, 1986, which are being republished in this format for the convenience of readers and are not to be regarded as the official text thereof.

PART II
HEALTH AND WELFARE
General Provisions

20. Cleanliness
21. Overcrowding
22. Temperature
23. Ventilation
24. Lighting
25. Drainage of floors
26. Sanitary conveniences
27. Sitting facilities
28. Drinking water
29. Washing facilities
30. Accommodation of clothing
31. Eating facilities

PART III
HEALTH, SAFETY AND WELFARE
Special Provisions

32. Underground rooms
33. Internal combustion engine
34. Prohibition of employment of women and young persons in certain processes
35. Meals in dangerous trades
36. Protection of eyes
37. Manual lifting

PART IV
PREVENTION AND CONTROL OF OCCUPATIONAL DISEASE

38. Importation of toxic chemicals or materials
39. Substitution of harmful substances
40. Testing of air in the working environment
41. Storage of chemicals

- 42. Notification of occupational disease
- 43. Medical examination of employees
- 44. Disposal of industrial waste

PART V
GENERAL DUTIES

- 45. Duties of employers and self employed to persons not their employees
- 46. Duties of manufacturers etc. as regards articles and substances for use at work
- 47. Duty not to interfere or misuse
- 48. Things not chargeable
- 49. Duties of employers to their employees
- 50. Duties of employees

PART VI
NOTIFICATION OF ACCIDENTS

- 51. Notification of accidents

PART VII
NOTICES AND REGISTERS

- 52. Occupation of factory
- 53. Posting of regulations
- 54. General registers
- 55. Preservations

PART VIII
ENFORCEMENT

- 56. Powers of Inspectors and Sanitary Authority
- 57. Appointment of Inspectors
- 58. Prohibition of disclosure of information
- 59. Power of Superintendent of Public Health to close factory etc.
- 60. Enforcement by Sanitary Authority

PART IX
OFFENCES AND PENALTIES

61. Onus of proof
62. Offences
63. Repeals G.N. 458 of 1945

SCHEDULE

L.N. 52 of 1986

Factories (Health, Safety and Welfare) Regulations, 1986

In exercise of the powers conferred by section 3 of the Factories Ordinance, the Minister of Labour and Social Services, after consultation with the Council of Health, has made the following regulations:-

1. (1) These regulations may be cited as the Factories (Health, Safety and Welfare) Regulations, 1986.
- (2) These regulations shall come into force after twenty-one days from the day on which they are laid on the Table of the House of Representatives, in accordance with the provisions of subsection (3) of the section 3 of the Factories Ordinance, which day shall be notified by the Minister of Labour and Social Services by notice in the Gazette.
2. (1) In these regulations, unless the context otherwise requires -
 - "Act" means the Occupational Health and Safety (Promotion) Act, 1994
 - "Director" means the Director of Labour and Emigration;
 - "driving belt" includes any driving strap or rope;
 - "employer" has the same meaning as "occupier";
 - "factory" has the same meaning as in assigned to it in section 2 of the Ordinance;
 - "fumes" includes gas or vapour; "inspector" means an inspector appointed under section 4 of the Ordinance;
 - "machinery" includes any driving belt;
 - "maintained" means kept in an efficient state, in efficient working order, and in good repair;
 - "occupier" and "employer" means any of the persons mentioned in subsection (1) and (2) of section 6 of the Ordinance;
 - "Ordinance" means the Factories Ordinance;
 - "plant" includes any machinery, equipment or appliance;
 - "premises" includes any place and also includes in particular any vehicle, vessel, tent or movable structure;
 - "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;
 - "Sanitary Authority" includes the Superintendent, a Principal Medical Officer, a Senior Medical Officer, a Medical Officer

Citation and commencement

Interpretation

Cap 169

of Health, an Occupational Health Officer, an Occupational Hygiene Officer, a Health Inspector and any other officer of the observance of the provisions of the regulations relating to the welfare and health as Department of Health duly authorised in writing by the Superintendent to ensure the observance of the provisions of the regulations relating to the welfare and health as well as prevention and control of occupational diseases;

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

"self-employed person" means an individual who works for gain or reward otherwise than under a contract of employment, whether or not he himself employs others;

"Superintendent" means the Superintendent of Public Health;

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

"underground room" means any room which is in whole or in part situated in such manner that at least half its height, measured from the floor to the ceiling, is below the surface of the ground adjoining or nearest to the room;

"woman" means a female who has attained the age of eighteen years;

"young person" means a person who has not yet attained the age of eighteen years.

- (2) In these regulations, words and expressions defined in the Act shall have the same meaning as they have in these regulations, and the provisions of these regulations shall be read and construed in conjunction with the said Act.

PART I

SAFETY

General Provisions

3. (1) Every flywheel directly connected to any prime mover and every moving part of any prime mover, except such prime movers as are mentioned in paragraph (2) of this regulation, shall be securely fenced whether the flywheel or prime mover is situated in an engine house or not.
- (2) Every part of electric generators, motors and rotary convertors, and every flywheel directly connected thereto, shall be securely fenced unless it is in such a position or of such construction as to be safe to every person employed or

Prime movers

<p>working on the premises as it would be if securely fenced.</p> <p>4. (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 safe to every person employed or working on the premises as it would be if securely fenced.</p> <p>(2) Efficient devices or appliances shall be provided, maintained and clearly marked 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.</p> <p>(3) No driving belt when not in use, shall be allowed to rest or ride upon a revolving shaft which forms part of the transmission machinery.</p> <p>(4) Suitable striking gear or other efficient mechanical appliances shall be provided and maintained and used to move driving belts to and from fast and loose pulleys which form part of the transmission machinery, and any such gear or appliances shall be so constructed, placed and maintained as to prevent the driving belt from creeping back on the fact pulley.</p> <p>(5) Where the Director is satisfied that owing to special circumstances the fulfilment of any of the requirements of paragraphs 2 to 4 of this regulation is unnecessary or impracticable, he may direct that requirement shall not apply in those circumstances.</p>	<p>Transmission machinery</p>
<p>5. (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:</p> <p>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 regulation 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.</p> <p>(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.</p>	<p>Other machinery</p>
<p>6. All fencing and other safeguards provided in pursuance of the foregoing provisions of this regulation 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 where any such parts are necessarily exposed for examination and for any lubrication or adjustment shown by such examination to be immediately necessary.</p>	<p>Construction and maintenance of fencing</p>

<p>7. (1) In the case of any machine in a factory which is a machine intended to be driven by mechanical power: -</p> <p>(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;</p> <p>(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.</p> <p>(2) Any person who sells or lets on hire, or as an agent of the seller or hirer, causes or procures to be sold or let on hire, for use in a factory, any machine intended to be driven by mechanical power which does not comply with the requirements of this regulation shall be guilty of an offence.</p> <p>(3) Nothing in paragraph (2) of this regulation shall apply to any machinery or plant which was sold or let on hire before the coming into force of these regulations.</p>	<p>Construction and sale of machinery</p>
<p>8. (1) Every fixed vessel, structure, sump or pit of which the edge is less than one meter above the highest ground or platform from which a person might fall into it, shall, if it contains any scalding, corrosive or poisonous liquid, either be securely covered or be securely fenced to at least one meter above that ground or platform, or where by 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.</p> <p>(2) Where any fixed vessel, structure, sump or pit contains any scalding, corrosive or poisonous liquid that is not securely covered, no ladder, stair or gangway shall be placed above, across or inside it which is not: -</p> <p>(a) at least 45cm wide, and</p> <p>(b) securely fenced on both sides to height of at least 1 meter and securely fixed.</p> <p>(3) Where any such vessels, structures, sumps or pits as are mentioned in paragraph (2) of this regulation adjoin, and the space between them, clear of any surrounding stone or other work, is less than 45cm in width, or are not securely fenced on both sides to a height of at least 1 meter secure barriers shall be so placed as to prevent passage between them.</p> <p>(4) For the purposes of this regulation a ladder, stair or gangway shall not be deemed to be securely fenced unless it is provided</p>	<p>Dangerous substances</p>

<p>shall not be deemed to be securely fenced unless it is provided either with sheet fencing or with an upper and lower rail and toe boards.</p>	
<p>9. A woman or young person shall not clean any part of a prime mover or of any transmission machinery while the mover or transmission machinery is in motion, and shall not clean any part of any machine if the cleaning thereof would expose the woman or young person to risk of injury from the moving part wither of that machine or of any adjacent machinery.</p>	<p>Cleaning of machinery by women and young persons</p>
<p>10. (1) In any factory 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, be allowed on its outward or inward traverse to run within a distance of 45 centimetres from any fixed structure which is not part of the machine.</p> <p>(2) All practicable steps shall be taken by instructions to 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 machine and any 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.</p>	<p>Self-acting machines</p>
<p>11. (1) No young person shall work at any machine to which this regulation applies, unless in the opinion of the Director, such person has been fully instructed as to the dangers arising in connection with the machine and the precautions to be observed, and -</p> <p>(i) has received a sufficient training in work at the machine; or</p> <p>(ii) is under adequate supervision by a person who has a thorough knowledge and experience of the machine.</p> <p>(2) This regulation applies to such machines as are specified in the Schedule to these regulations, being machines which in the opinion of the Director are of such a dangerous character that young persons ought not to work at them unless the foregoing requirements are complied with.</p>	<p>Training at dangerous machinery</p>
<p>12. (1) All floors, steps, stairs, passages and gangways shall be of sound construction and properly maintained and shall, so far as is reasonably practicable, be kept free from any obstruction and from any substance likely to cause persons to slip.</p> <p>(2) For every staircase in a building or affording a means of exit from a building, a substantial hand-rail shall be provided and maintained, which if the staircase has an open side, shall be on that side, and in the case of a staircase having two open sides or of a staircase which, owing to the nature of its construction or the condition of the surface of the steps or other special</p>	<p>Floors, passages, stairs and ladders</p>

<p>circumstances, is specially liable to cause accidents, such a hand-rail shall be provided and maintained on both sides.</p> <p>(3) Any open side of a staircase shall also be guarded by the provision and maintenance of a lower rail or other effective means.</p> <p>(4) All openings in floors shall be securely fenced, except in so far as the nature of the work renders such fencing impracticable.</p> <p>(5) All ladders shall be soundly constructed and properly maintained.</p> <p>13. (1) There shall, so far as is reasonably practicable, be provided and maintained safe means of access to every such place at which any person has at any time to work and every such place shall, so far as is reasonably practicable, be made and kept safe for any person working there.</p> <p>(2) Where any person has to work at a place from which he will be liable to fall a distance of 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.</p> <p>14. (1) 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 hand-hold on each side.</p> <p>(2) The facing 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.</p> <p>15. (1) In determining, for the purposes of the foregoing provisions of this Part of these regulations, 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, the following paragraphs shall apply in a case where this regulation applies, that is to say: -</p> <p>(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 any adjustment shown by the examination to be immediately necessary, if the examination, lubrication or adjustment can only be carried out while the part of machinery is in motion; and</p> <p>(b) in the case of any part of transmission machinery used in any such process as may be specified in the regulations, being a process where owing to the continuous nature thereof, the stopping of that part would seriously interfere with the carrying on of the process, no account shall be taken of any person carrying out, by such methods and in such circumstances as may be specified</p>	<p>Safe means of access and safe place of employment.</p> <p>Teagle openings and similar doorways</p> <p>Provisions to unfenced machinery.</p>
--	--

<p>in the regulations, any lubrication or any mounting or shipping of belts.</p> <p>(2) This regulation applies only where the examination, lubrication or other operation is carried out by such persons who have attained the age of eighteen years, and all such conditions as may be so specified are complied with.</p> <p>16. (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: -</p> <p>(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;</p> <p>(b) subject to paragraph (2) of this regulation, a table showing the safe working loads of every kind and size of chain, rope or lifting tackle in use, and, in the case of a multiple sling, the safe working load at different angles of the legs, shall be posted in the store in which the chains, ropes or lifting tackle are kept, and in prominent positions on the premises, and no chain, rope or lifting tackle not shown in the table shall be used;</p> <p>(c) no chain, rope or lifting tackle shall be used for any load exceeding its safe working load as shown by the table mentioned in subparagraph (b) of this paragraph or marked as mentioned in paragraph (2) of this regulation;</p> <p>(d) all chains, ropes and lifting tackle in use shall be thoroughly examined by a competent person at least once in every period of six months or at such greater intervals as may be prescribed;</p> <p>(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 competent person and a certificate of the 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;</p> <p>(f) every chain and lifting tackle except a rope sling shall, unless of a class or description exempted by certificate of the Director upon the ground that it is made of such material or so constructed that it cannot be subjected to heat treatment without risk of damage or that it has been subjected to some form of heat treatment (other than annealing) approved by him, be annealed at least once in every fourteen months, or, in the case of chains or slings of 2.5cm bar or smaller, or chains used in connection with molten metal or molten slag, in every six months, except that chains and lifting tackle not in regular use</p>	<p>Chains, ropes and lifting tackle.</p>
--	--

<p style="text-align: center;">need be annealed only when necessary;</p> <p>(g) a register containing the prescribed particulars shall be kept in respect of all such chains, ropes or lifting tackle, except fibre rope slings.</p> <p>(2) Subparagraph (b) of paragraph (1) of this regulation shall not apply in relation to any lifting tackle, if its safe working load or, in the case of a multiple sling, the safe working load at different angles of the legs, is plainly marked upon it.</p> <p>(3) In this regulation "lifting tackle" means chain slings, rope slings, rings, hooks, shackles and swivels.</p> <p>17. (1) All parts and working gear, whether fixed or moveable, 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.</p> <p>(2) All such parts and gear shall be thoroughly examined by a competent person at least once in every period of fourteen months and a register shall be kept containing the prescribed particulars of every such examination; and where the examination shows that the lifting machine cannot continue to be used with safety unless certain repairs are carried out immediately or within a specified time, the person making the report of the examination shall within twenty-eight days of the completion of the examination send a copy of the report to the Director.</p> <p>(3) All rails on which a travelling crane moves and every track on which the carriage of a transporter or runway moves shall be of proper size and adequate strength and have an even running surface; and any such rails or track shall be properly laid, adequately supported or suspended and properly maintained.</p> <p>(4) There shall be plainly marked on every lifting machine its safe working load or loads, 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.</p> <p>(5) No lifting machine shall, except for the purpose of a test, be loaded beyond the safe working load as marked or indicated under paragraph (4) of this regulation.</p> <p>(6) 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 paragraph (1) of this regulation have been thoroughly examined by the person making the test and examination has been obtained and is kept available for inspection.</p>	<p>Cranes and other lifting machines</p>
--	--

<p>(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 by warning the driver of the crane or otherwise to ensure that the crane does not approach within seven metres of that place.</p> <p>(8) If any person is employed or working otherwise than mentioned in paragraph (7) of this regulation but in a place above floor level where he would be liable to be struck by an overhead travelling crane, or by any load carried by such a crane, effective measures shall be taken to warn him of the approach of the crane, unless his work is so connected with or dependent on the movements of the crane as to make a warning unnecessary.</p> <p>(9) In this regulation "lifting machine" means a crane, crab, winch, teagle, pulley block, gin wheel, transporter or runway.</p> <p>18. (1) The provisions of this regulation shall have effect where work in any factory has to be done inside any chamber, tank, vat, pit, pipe or flue of similar confined space in which dangerous fumes are liable to be present to such an extent as to involve risk of persons being overcome thereby.</p> <p>(2) The confined space shall, unless there is other adequate means of egress, be provided with a manhole, which may be rectangular, oval or circular in shape, and shall not be less than 45cm long, and 40cm wide, or if circular not less than 45cm in diameter.</p> <p>(3) Subject to paragraph (4) of this regulation, no person shall be allowed to enter or remain in the confined space for any purpose unless he is wearing a suitable breathing apparatus and has been authorised to enter by a responsible person, and, where practicable, he is wearing a belt with a rope securely attached and a person keeping watch outside and capable of pulling him out is holding the free end of the rope.</p> <p>(4) Where the confined space has been certified by a responsible person as being, for a specified period, safe for entry without breathing apparatus and the period so specified has not expired, paragraph (3) of this regulation shall not apply, but no person shall be allowed to enter or remain in the space unless he has been warned when that period will expire.</p> <p>(5) A confined space shall not be certified under paragraph (4) of this regulation unless:-</p> <ul style="list-style-type: none">(a) effective steps have been taken to prevent any ingress of dangerous fumes; and(b) any sludge or deposit liable to give off dangerous fumes has been removed and the space contains no other material liable to give off dangerous fumes; and	<p>Dangerous fumes and lack of oxygen.</p>
--	--

<p>(c) the space has been adequately ventilated and tested for dangerous fumes and has a supply of air adequate for respiration.</p> <p>(6) No person shall be allowed to enter or remain in any confined space in which the proportion of oxygen in the air is liable to have been substantially reduced unless either:-</p> <p>(a) he is wearing a suitable breathing apparatus; or</p> <p>(b) the space has been and remains adequately ventilated and a responsible person has tested and certified it as safe for entry without breathing apparatus.</p> <p>19. (1) Where, in connection with any process giving rise to dust, gas, vapour or substance, there may escape dust, gas or vapour of such character and to such an extent as to be liable to explode on ignition, all practicable steps shall be taken to prevent each an explosion by enclosure of the plant used in the process and by removal or prevention of accumulation of any dust, gas, vapour or substance that may escape in spite of the enclosure, and by the exclusion or effective enclosure of possible sources of ignition.</p> <p>(2) No plant, tank or vessel which contains or has contained any explosive or inflammable substances shall be subjected:-</p> <p>(a) to any welding, brazing or soldering operations;</p> <p>(b) to any cutting operation which involves the application of heat; or</p> <p>(c) to any operation involving the application of heat for the purpose of taking apart or removing the plant, tank or vessel or any part of it, until all practicable steps have been taken to remove the substance and any fumes arising from it, or to render them non-explosive or non-inflammable.</p>	<p>Explosive or inflammable substance</p>
<p>PART II</p> <p>HEALTH AND WELFARE</p>	
<p>General provisions</p>	
<p>20. Every factory shall be kept at all times 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 -</p> <p>(a) accumulation of dirt and refuse shall be removed daily by a suitable method from the floor and benches of workrooms, and from the staircases and passages;</p> <p>(b) the floor of every workroom and the lower part of the walls thereof up to a height of two meters shall be cleaned at least once in every week by washing or , if it is effective and suitable, by sweeping, or other method;</p>	<p>Cleanliness.</p>

<p>suitable, by sweeping, or other method;</p>	
<p>(c) all inside walls and partitions and all ceilings or tops of rooms and all walls, sides and tops of passages and staircases shall be washed, whitewashed or painted as directed by the Sanitary Authority.</p>	
<p>21. A factory shall not, while work is carried on, be overcrowded as in the opinion of the Sanitary Authority be liable to cause risk of injury to the health of the persons employed therein.</p>	Overcrowding
<p>22. (1) It shall be the duty of the employer to maintain in every room in which people are employed (other than for short periods) a temperature which is reasonably practicable and comfortable, having regard to the type of work being performed.</p> <p>(2) No person shall be employed for regular and prolonged work in a thermal environment which is in the opinion of the Sanitary Authority unsuitable for the type of work or which may cause injury to health.</p> <p>(3) No person may be employed for regular and prolonged work in the immediate neighbourhood of equipment or material which radiates intense heat or which causes intense cooling of the working environment of an employee at the time, in either case as is considered by the Sanitary Authority to be harmful to health, unless suitable and effective measures are taken to remove any risk or unless suitable and effective protective equipment or clothing is provided.</p> <p>(4) Wherever necessary, or as directed by the Sanitary Authority, fixed or movable screens, deflectors or other suitable devices in order to protect the worker against cold or heat, shall be provided and maintained by the employer.</p> <p>(5) It shall be lawful for any person to use any method of heating or cooling which is likely to be harmful to human health or which may liberate obnoxious or toxic fumes.</p>	Temperature
<p>23. Effective and suitable provision shall be made to the satisfaction of the Sanitary Authority for securing and maintaining by the circulation of fresh air or artificially pumped air in each workroom the adequate ventilation of the room, and for rendering harmless, so far as reasonably practicable, all fumes, dust and other impurities that may be injuries to health generated in the course of any process of work carried on in the factory.</p> <p>Provided that where a workroom is wholly or substantively mechanically ventilated, suitable means of emergency ventilation shall be provided for use in case of failure in the principal system.</p>	Ventilation
<p>24. (1) Effective provisions shall be made for securing and maintaining to the satisfaction of the Sanitary Authority, sufficient and suitable lighting in every part of a factory in which persons are working or passing.</p>	Lighting

<p>(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:</p> <p>Provided that this paragraph shall not effect the whitewashing or shading of windows and skylights for the purpose of mitigating heat or glare.</p> <p>(3) The Superintendent may require that a workplace be provided with facilities for emergency lighting.</p>	
<p>25. Where any process is carried out which renders the floor liable to be wet by any liquid, effective means shall be provided and maintained for draining off the liquid.</p>	<p>Drainage of floors</p>
<p>26. Sufficient and suitable sanitary conveniences for the persons employed in a 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 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 to the satisfaction of the Sanitary Authority. These conveniences shall be kept at all times clean, in good state of repair and provided with adequate hand-washing facilities.</p>	<p>Sanitary conveniences</p>
<p>27. (1) Where any employed persons have in the course of their employment, reasonable opportunities for sitting without detriment to their work, there shall be provided and maintained for their use suitable facilities for sitting, sufficient for enabling them to take advantage of these opportunities.</p> <p>(2) Where a substantial proportion of any work can properly be done sitting -</p> <p>(a) there shall be provided and maintained for any employed person doing that work a seat of a design, construction and dimensions suitable for him and suitably positioned for his work so as to facilitate good working posture and, where indicated, a foot-rest on which he can readily and comfortably support his feet if he cannot do so without a foot-rest;</p> <p>(b) the arrangements shall be such that the seat be adequately and properly supported while in use for the purpose for which it is provided; and</p> <p>(c) for the purpose of this regulation, the term "suitable" shall be defined according to circumstances by the Director and by the Sanitary Authority.</p> <p>(3) For the purpose of paragraph (2) of this regulation the dimensions of a seat which is adjustable shall be taken to be its dimensions as for the time being adjusted.</p> <p>(4) It shall be the duty of the employer to ensure appropriate instructions of the employees as to the proper and adequate use</p>	<p>Sitting facilities</p>

<p>instruction of the employee as to the proper and adequate use of adjustable seats.</p>	
<p>28. There shall be provided and maintained at suitable points conveniently accessible to all persons employed an adequate supply of wholesome drinking water.</p>	<p>Drinking water</p>
<p>29. (1) There shall be provided and maintained for the use of employed persons adequate and suitable facilities for washing, and the facilities shall be conveniently accessible.</p> <p>For the purpose of this regulation, washing facilities include clean water at suitably controlled temperatures, soap or similar material, hand-brushes, and towels or drying facilities.</p> <p>(2) Separate washing facilities shall be provided for both sexes and when in the opinion of the Sanitary Authority the nature of the work so requires, separate showers for both sexes with water at suitably controlled temperatures shall also be made available by the employer.</p> <p>Provided that the Superintendent may exempt an employer in whole or in part from the requirement of this regulation where by reason of space, nature of work or other just cause, compliance may not be reasonably practicable.</p>	<p>Washing facilities</p>
<p>30. (1) There shall be provided and maintained at the place of work suitable facilities for employees for changing, depositing and drying of clothing which is not worn during working hours.</p> <p>(2) Separate facilities shall be provided for clothing of employees engaged in operations which may result in such clothing being contaminated, heavily soiled, stained or impregnated.</p> <p>(3) Wherever the number of workers and the nature of work so requires, separate changing rooms for both sexes shall be provided to the satisfaction of the Sanitary Authority.</p>	<p>Accommodation of clothing</p>
<p>31. It shall be the duty of the employer to provide suitable and sufficient eating facilities for those employees who have to consume meals on the premises. The Sanitary Authority shall have the power to determine whether eating facilities are suitable and sufficient for the type of establishment and the type of work being carried out therein.</p>	<p>Eating facilities</p>
<p>PART III</p> <p>HEALTH, SAFETY AND WELFARE</p> <p>Special Provisions</p>	
<p>32. No work shall be carried out in any underground room (not being an underground room used only for the purpose of storage) which in the opinion of the Sanitary Authority is unsuitable for the purpose as regards construction, height, light or ventilation, or is otherwise in sanitary, or which has no adequate means of escape</p>	<p>Underground rooms</p>

<p>from such underground rooms in case of fire or other emergency.</p>	
<p>33. No internal combustion engine shall be used unless -</p> <p>(a) provision is made for conducting the exhaust gases from the engine into the open air; and</p> <p>(b) the engine (except when used for the purpose of being tested) is so partitioned off from any workroom or part of a workroom in which persons are employed other than persons attending to the engine, so as to prevent any injurious fumes from the engine entering the air of the room or part of the room.</p>	<p>Internal combustion engine</p>
<p>34. No person may, without the approval of the Superintendent, employ or suffer to be employed any woman or young person in, or expose any woman or young person to:</p> <p>(a) work at a furnace where the reduction or treatment of zinc or lead ores is carried on;</p> <p>(b) the manipulation, treatment or reduction of ashes containing lead, or the melting of scrap lead or zinc;</p> <p>(c) the manufacture of solder or alloys containing more than ten per cent of lead;</p> <p>(d) mixing or pasting in connection with the manufacture or repair of electric accumulators;</p> <p>(e) the cleaning of workrooms where any of the processes aforesaid are carried on; and</p> <p>(f) any process involving occupational exposure to ionising or non-ionising radiation.</p>	<p>Prohibition of employment of women and young persons.</p>
<p>35. (1) Where in any room arsenic or any other poisonous substance is so used as to give rise to any dust or fume, a person shall not be permitted to partake of food or drink in that room.</p> <p>(2) Where in any room a process takes place which gives rise to siliceous dust or asbestos dust, a person shall not be permitted to remain in that room during the intervals allowed to him for meals or rest.</p> <p>(3) Suitable provision shall be made for enabling the person employed in any such room as is mentioned in paragraph (1) and (2) of this regulation to take their meals elsewhere in the factory.</p>	<p>Meals in dangerous trades.</p>
<p>36. In the case of any process which involves a risk of injury to the eyes from particles or fragments thrown off in the course of the process, suitable goggles or effective screens shall be provided to protect the eyes of the persons employed in the process.</p>	<p>Protection of eye</p>
<p>37. A person shall not be employed to lift, carry or move any heavy load as to be likely to cause injury to him.</p>	<p>Manual lifting.</p>

PART IV	
PREVENTION AND CONTROL OF OCCUPATIONAL DISEASE	
<p>38. (1) No person may import or sell any chemical or material which is toxic, and no employer may use or suffer to be used any such chemical or material in any work place under his charge, without in either case the approval of the Superintendent.</p> <p>(2) In granting such approval as referred to in paragraph (1) above, the Superintendent may impose any conditions, as he may deem fit in the interest of public health.</p> <p>39. (1) It shall be the duty of the employer in so far as is reasonably practicable or possible, or when so directed by the Sanitary Authority, to substitute a harmful substance, process or technique at a place of work by a less harmful substance, process or technique.</p> <p>(2) Without prejudice to the generality of paragraph (1) of this regulation, the following rules shall apply -</p> <ul style="list-style-type: none"> (a) sandstone grinding wheels shall be substituted by Carborundum grinding wheels; (b) benzene, unless authorised by the Superintendent, shall be substituted by a less toxic solvent; (c) paints, varnishes, mastics, glues, adhesives and inks shall not contain benzene; (d) white lead and sulphate of lead and products containing these pigments or other lead compounds shall not be used in the internal paintings of buildings or of articles in buildings, if the dry film of the resulting paint will contain more than 2500 parts per one million parts of metallic lead; (e) white or yellow phosphorus shall not be used in the manufacture of matches; (f) sand in sand-blasting shall be substituted by steel-shot or grit; (g) polychlorinated biphenyls shall not be used or added to any oil, fluid or material. <p>40. (1) It shall be the duty of the employer to make arrangements when so considered necessary by the Sanitary Authority and to the satisfaction of the said Authority, so that the atmosphere of workrooms in which potentially dangerous or obnoxious substances are manufactured, handled or used, is tested periodically.</p> <p>(2) Such tests are to be carried out at sufficiently frequent intervals to ensure that toxic or irritating dusts, fumes, gases fibres, mists or vapours are not present in quantities which in the</p>	<p>Importation of toxic chemicals or materials.</p> <p>Substitution of harmful substances.</p> <p>Testing of air in the working environment.</p>

<p>mists or vapours are not present in quantities which, in the opinion of the Sanitary Authority, are liable to injure health, and to ensure that an atmosphere which is fit for respiration is maintained.</p> <p>(3) Work in, or entry into any place where there is reason to suspect that the atmosphere is toxic, poisonous, asphyxiating or otherwise dangerous to health, shall not be carried out until the atmosphere is suitably tested and found free from any danger to health.</p> <p>(4) The employer shall likewise ensure periodical testing of the working environment where a potential hazard exists for heat, noise and other physical agents.</p> <p>(5) All tests referred to in this regulation shall be conducted by trained personnel and, where possible, supervised by qualified personnel who possess experience in occupational health or hygiene.</p>	
<p>41. (1) It shall be the duty of the employer to ensure that provisions are made for the storage under safe conditions of substances dangerous to health.</p> <p>(2) Without prejudice to the generality of this regulation such provisions should include the use of receptacles adequate to the storage of the dangerous substance, the safe storage of receptacles, their proper labelling with a danger symbol, their proper handling and where necessary an indication of the nature of the risk, the name of the substance or an indication to identify it and, as far as practicable, the essential instructions giving details of the first aid that should be administered if the substance should cause bodily harm or injury.</p> <p>(3) Where any risk from gases exists, cylinders containing such gases should be stored in well ventilated places as far as possible from the place of work.</p>	<p>Storage of chemicals.</p>
<p>42. It shall be the duty of the employer to inform forthwith the Superintendent of the occurrence in any of his employees of any occupational disease or incidence as are required to be notified by a medical practitioner under section 6 of the Medical and Kindred Professions Ordinance.</p>	<p>Notification of occupational diseases. Cap. 51.</p>
<p>43. (1) It shall be the duty of the employer to make adequate arrangements to the satisfaction of the Superintendent, for the medical examination of the following persons before commencing employment with him and periodically thereafter:</p> <p>(a) persons under 18 years of age;</p> <p>(b) persons engaged in occupations listed in the Schedule to these regulations.</p> <p>(2) It shall be the duty of the examining medical practitioner to issue a separate certificate of fitness to the employer in respect of every employee he has examined. A copy of such</p>	<p>Medical examination of employees.</p>

of every employee he has examined. A copy of such certificate may also, when so requested, be given to the employee.

- (3) It shall be the duty of the employer to keep a register at the factory in which shall be entered the result of the medical examination, any condition or recommendation made by the medical practitioner and the date when the next medical examination in respect of an employee is due.
- (4) The parent or guardian of any employee who is a young person shall have the right to be present during such medical examination. Should any such employee be found unfit, such parent or guardian may require the examining medical practitioner to state in writing the reason for such decision.
- (5) In the case of medical examinations in respect of persons engaged in occupations listed in the Schedule to these regulation, the medical practitioner may suspend an employee from work for such time as may be necessary, and he shall enter such decision in the register referred to in paragraph (3) of this regulation and shall forthwith inform the Superintendent of this decision.
- (6) The provisions of paragraph (5) of this regulation may also be exercised by the Superintendent.
- (7) The provisions of this regulation shall also apply *mutatis mutandis* in respect of any employee whose health is, in the opinion of the Sanitary Authority, suffering as a result of his work, or who by reason of infection or otherwise, may be a risk to other.
- (8) It shall be the duty of the employer to inform the Superintendent of the name of the medical practitioner who has carried out the medical examination for the purpose of this regulation.
- (9) The register of medical examinations shall be open for inspection by a medical officer authorised by the Superintendent and it shall be destroyed or otherwise disposed of without the approval of the Superintendent.
- (10) No employee may refuse to attend for any medical examination required under this regulation.
- (11) No employee shall be liable to any expenses incurred by the employer as a result of these examination, nor shall he suffer any deduction in wages or any loss of benefit in respect of time lost for attendance for such examinations or for any investigations in connection therewith.
- (12) Nothing in this regulation shall debar the Superintendent from ordering the employer to make arrangements for the medical examination of any of his employees at any time.

<p>44. (1) No person may discharge or dispose of any industrial waste other than as directed by the Sanitary Authority.</p> <p>(2) The Superintendent may impose any condition he may deem fit regarding discharge or disposal of such waste and in particular, but without prejudice to the generality of this provision, may -</p> <p>(a) establish the maximum concentration of any chemical which may be present in such waste prior to discharge or disposal, as well as the maximum amount of such waste which may be discharged or disposed of at any one time;</p> <p>(b) specify the method and the degree of treatment which may be necessary before discharge or disposal;</p> <p>(c) require a certificate acceptable to the said Superintendent stating that such waste has been treated to the required method;</p> <p>(d) direct the place and method of disposal or discharge and the persons who may carry out such discharge or disposal.</p>	<p>Disposal of industrial waste.</p>
<p>PART V</p> <p>GENERAL DUTIES</p>	
<p>45. (1) It shall be the duty of every employer to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that persons who are not in his employment, but who may be effected thereby, are not in any way exposed to risks to their health or safety.</p> <p>(2) It shall be the duty of every self-employed person to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that both he and other persons, not being his employees, who may be affected by his undertaking are not thereby exposed to risks to their health or safety.</p>	<p>Duties of employer and self employed to persons not their employees.</p>
<p>46. (1) It shall be the duty of any person who designs, manufactures, imports or supplies any article for use at work -</p> <p>(a) to ensure, so far as is reasonably practicable, that the articles is so designed and constructed as to be safe and without risks to health when properly used; and</p> <p>(b) to take such steps as are necessary to secure that there shall be available in connection with the use of the article at work adequate information about the use for which it is designed and has been tested, and about any condition necessary to ensure that, when put to that use, it will be safe and without risks to health.</p> <p>(2) It shall be the duty of any person who manufactures, imports or supplies any substance for use at work -</p>	<p>Duties of manufacturers etc. as regards articles and substances for use at work.</p>

<p>or supplies any substance for use at work -</p> <ul style="list-style-type: none"> (a) to ensure, so far as is reasonably practicable, that the substance is safe and without risks to health when properly used; and (b) to take such steps as are necessary to ensure that there will be available in connection with the use of the substance at work, adequate information about the results of any relevant test which have been carried out on or in connection with the substance and about any condition necessary to ensure that it will be safe and without risks to health when properly used. <p>(3) For the purposes of this regulation an article or substance shall not be regarded as properly used if it is used without regard to any relevant information or advice relating to its use which has been made available by a person by whom it was designed, manufactured, imported or supplied.</p> <p>47. No person shall intentionally or recklessly interfere with or misuse anything provided in the interests of health, safety and welfare in pursuance of any provisions of these regulations.</p> <p>48. No employer shall levy or permit to be levied on any employee of his any charge in respect of anything done or provided in the interests of health, safety or welfare in pursuance of any provisions of these regulations.</p> <p>49. (1) Saving any other provisions of these regulations every employer shall take all practicable steps to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees.</p> <p>(2) Every employer shall take all practicable steps to ascertain the hazards, if any, connected with a trade process or substance.</p> <p>(3) Without prejudice to the generality of an employer's duty under the preceding paragraphs of these regulations the matters to which that duty extends include in particular:</p> <ul style="list-style-type: none"> (a) the provision and maintenance of plant and system of work that are, so far as is reasonably practicable, safe and without risks to health; (b) to prevent the liberation of harmful substances and to shield workers from harmful physical agents including noise, vibration and heat from biological agents; (c) to carry out hazardous processes in separate rooms or buildings occupied by a minimum number of workers who must also be protected against occupational exposure, or to carry out such processes in an enclosed apparatus, so as to prevent personal contact with harmful substances. the escape into the air of the workroom of 	<p>Duty not to interfere and misuse</p> <p>Things not chargeable.</p> <p>Duties of employers to their employees.</p>
---	--

<p>dusts, fumes, gases, fibres, mists or vapours, in quantities liable to injure health;</p> <p>(d) to remove, at or near their point or origin, by mechanical exhaust ventilation systems or other suitable means, harmful dusts, fumes, gases, fibres, mists or vapours, where exposure to them cannot be prevented in accordance with the provisions of these regulations;</p> <p>(e) where other measures to protect the health of workers against these agents are impracticable or are not sufficient to ensure adequate protection or where so directed by the Sanitary Authority, to provide the workers with such protective clothing and equipment and other means of personal protection as may be necessary to shield them from the effects of harmful agents, and to instruct such workers in the use thereof; such clothing and equipment should be supplied, cleaned and maintained by the employer; where such protective clothing, or equipment may be contaminated by poisonous or dangerous substances it should, at all times when not required for use at work or for cleaning or maintenance by the employer, be kept in entirely separate accommodation, where it will not be liable to contaminate the ordinary clothing of the worker;</p> <p>(f) ensure, so far as is reasonably practicable, safety and absence of risk to health in connection with the use, handling, storage and transport of articles and substances;</p> <p>(g) provide such information, instruction, training and supervision as is necessary to ensure, so far as is reasonably practicable, the health and safety at work of his employees; and</p> <p>(h) maintain any place of work under his control so as to be kept in a condition that is safe and without risks to health, and provide and maintain means of access to and exit from it that are safe and without such risks.</p> <p>(4) It shall be the duty of the employer to ensure that the employees are informed at the occupational health hazards of their respective occupations, of the necessity of the measures of protection indicated, of their obligations to co-operate in and not to disturb the proper functioning of such measures, and of their obligation to make proper use of the appliances, clothing and equipment provided for their protection.</p> <p>50. (1) Every employee while at work shall -</p> <p>(a) take all reasonable care for the health and safety of himself and of other persons who may be affected by his acts or omissions at work; and</p>	<p>Duties of employees</p>
--	----------------------------

- (b) in respect of any duty or requirement imposed on his employer or on any other person by or under any provisions of these regulations, co-operate with him so far as is necessary to enable that duty or requirement to be performed or complied with; and
 - (c) refrain from intentionally or recklessly interfere with or misuse anything provided in the interests of health, safety or welfare in pursuance of any provisions of these regulations.
- (2) Every employee to whom protective clothing or equipment is provided shall make proper use of such clothing or equipment at his disposal.
- (3) No person shall tamper with any equipment or appliance provided for the protection of the employees as to render such equipment or appliance ineffective or unsuitable for the purpose it was originally intended, or misuse anything provided as aforesaid, or do anything whatsoever that can endanger the health of his fellow employees.

PART VI

NOTIFICATION OF ACCIDENTS

51. (1) For the purposes of these regulations any accident arising out of or in connection with work which results either -
- (a) in the death of or a major injury to any person; or
 - (b) in the case of an employee at work, in that employee being incapacitated for work for more than three consecutive days, excluding those days on which he is not expected to report for work;
- shall be a notifiable accident and as such shall be reported to the Director.
- (2) (a) Where the notifiable accident results in the death or a major injury to a person, the employer shall -
- (i) notify forthwith the Director or his representative by the quickest practicable means; and
 - (ii) within seven days from the date of the accident send written notice of the accident to the Director; and
- (b) where the notifiable accident falls under sub-paragraph (b) of paragraph (1) of this regulation, the employer shall inform the Director in writing or by other suitable means, within seven days from the date of the accident.
- (3) In this regulation "major injury" means -
- (i) fracture of the skull, spine or pelvis;

Notification of accidents

- (ii) fracture of any bone other than the wrist or ankle;
- (iii) amputation of a hand or foot;
- (iv) the loss of sight of any eye; or
- (v) any other injury which results in the person injured being detained in hospital for more than 24 hours other than for observation.

PART VII
NOTICES AND REGISTERS

52. (1) Subject (2) of this regulation, every person who begins to occupy or to use any premises as a factory shall, not less than two weeks before he does so, notify the Director and Superintendent in writing, of the factory, the nature of work to be performed and such other particulars as may be prescribed.
- (2) A person may begin to occupy a factory less than two weeks before notifying the Director and Superintendent, as provided in the foregoing paragraph, if the Director gives permission or if the occupier takes over from another person without changing the nature of the work, provided the Director and Superintendent are notified as soon as practicable and in any case not later than two weeks of taking over.

Provided that no person may carry out any structural alteration to a factory, or change or add to any process in a factory without the approval of the Director and Superintendent.

53. (1) Subject to paragraph (2) of this regulation, there shall be kept posted up at the principal entrances of a factory at which employed persons enter -
- (a) a legible and easily readable copy of these regulations; and
 - (b) every notice and document required by these regulations to be posted up in the factory.
- (2) An inspector may direct that all or any of the documents and notices mentioned in paragraph (1) of this regulation shall be posted up in such parts of the factory, either in addition to or in substitution for the principal entrances.
- (3) All such documents and notices shall be posted up in such position as to be conveniently read by the persons employed in the factory.
- (4) If a person pulls down, smears, tears or defaces any extract, notice, regulation or other document posted up in pursuance of these regulations, he shall be guilty of any offence.

54. In addition to the register required to be kept under regulation 43, there shall be kept in every factory or in such place outside the

Occupation of factory.

Posting of regulations.

General registers.

factory as may be approved by the Director and Superintendent a register, called the general register, and there shall be entered in or attached to that register -

- (a) the prescribed particulars as to every case of industrial accident and industrial disease occurring at the factory of which notice is required to be sent to the Director and the Superintendent; and
- (b) all report and particulars requested by any other provision of these regulations; and
- (c) such matters as may be prescribed.

55. The general register and every other register or record kept in pursuance of these regulations, other than the register required under regulation 43, shall be preserved and shall be kept available for inspection by any inspector for two years after the date of the last entry in the register or record.

Preservation of registers and records.

PART VIII ENFORCEMENT

56. (1) Every employer shall give to inspectors all reasonable facilities and all such information they may require for the purpose of ascertaining whether the provisions of the Act and the regulations operative by virtue of the Act are being complied with.

Powers of Inspectors and Sanitary Authority.

(2) For the purpose of carrying into effect any of these regulations an inspector may exercise the powers set out below -

- (a) enter at any reasonable time any premises which he has reason to believe it is necessary for him to enter or enter such premises at any time when in his opinion a situation is or may be dangerous
- (b) take with him a member a Police officer if he has reasonable cause to apprehend any serious obstruction in the execution of his duty
- (c) take with him any equipment or materials required for any purpose for which the power of entry is being exercise
- (d) make such examination and investigation as may in any circumstances be necessary for that purpose
- (e) direct that any premises which he has power to enter or any part of them or anything therein, shall be left undisturbed for so long as is reasonably necessary for the purpose of any examination or investigation under sub-paragraph (d) above;

<p>(f) to take measurements and photographs and make such recordings as he considers necessary for the purpose of any examination or investigation under sub-paragraph (d) above;</p> <p>(c) to take samples of any article or substance found in any premises which he has power to enter, and in the atmosphere in or in the vicinity of any such premises, and take possession of any such article or substance for so long as is necessary for all or any of the following purposes-</p> <p>(i) to examine them and do to them anything which he has power to do under sub-paragraph (d) above;</p> <p>(ii) to ensure that they are not tampered with before his examination thereof is completed;</p> <p>(iii) to ensure that they are available for use as evidence in any proceedings for an offence under any of the relevant legislative provisions;</p> <p>(h) require any person whom he has reasonable cause to believe to be able to give any information relevant to any examination or investigation under sub-paragraph (d) above, to answer (in the absence of persons other than a person nominated by him and any persons whom the inspector may allow to be present) such questions as the inspector thinks fit to ask and to sign a declaration of the truth of his answers;</p> <p>(i) require the production of, inspect and take copies of any entry in -</p> <p>(i) any books or documents which by virtue of any provisions of these regulations are required to be kept; and</p> <p>(ii) any other books or documents which may be necessary for him to see for the purpose of any examination or investigation under sub-paragraph (d) above;</p> <p>(j) exercise any other power which is necessary for that purpose.</p> <p>(3) Any person who obstructs any inspector or the Sanitary Authority or provides misleading information shall be guilty of an offence.</p> <p>56. Every Inspector shall be furnished by the Director with a certificate of appointment, and shall, if so required when exercising or seeking to exercise any power conferred on him by any provisions of these regulations, produce this certificate or a duly authenticated copy thereof.</p>	<p>Appointment of Inspectors.</p>
--	-----------------------------------

<p>58. If any person who, in pursuance of the powers conferred by regulation 56 of these regulations, is admitted into any factory, discloses to any person any manufacturing process or trade secret, he shall, unless the disclosure was made in the performance of his duty, be guilty of an offence.</p> <p>59. (1) If the Superintendent is aware that any process in any factory is carried out in such manner as to be prejudicial to health of the employees or of the community, he may order the employer to take all necessary action to remove such risk, and if the employer fails to comply within the time stipulated in such order the said Superintendent may further direct that the premises be kept closed or that the process be discontinued, or give other direction as to safeguard the health of the workers or the community.</p> <p>Provided that the Superintendent shall seek the advice of the Director before any directive is given by him or the Sanitary Authority to any employer to close down premises, to discontinue any process which may affect a substantial part of production at the factory, or may entail the stoppage from work or substantial change in the normal duties of employees at the factory, or which may entail a heavy expense which would raise substantially the production costs or operating expenses of the employer's business.</p> <p>(2) If the employer fails to comply with the order of the Superintendent as provided for in paragraph (1) of this regulation, he shall be guilty of an offence.</p>	<p>Prohibition of disclosure of information</p> <p>Power of Superintendent of Public Health to close factory etc.</p>
<p>60. (1) The Sanitary Authority shall enforce the provisions of the regulations relating to welfare and health and prevention and control of occupational disease and any of the officers of the said authority may plead the case in Court;</p> <p>Provided that the Director shall be consulted prior to enforcement of any decision affecting the employment of workers or their conditions of employment.</p> <p>(2) The Superintendent in consultation with the Director may in special cases dispense with any of the provisions of the regulations relating to health, welfare and prevention and control of occupational disease when compliance is not, by reason of space or other just cause, practicable.</p>	<p>Enforcement by Sanitary Authority.</p>
<p>PART IX</p> <p>OFFENCES AND PENALTIES</p>	
<p>61. In any proceedings for an offence under these regulations consisting of a failure to comply with a duty or requirement to do something so far as is practicable or so far as is reasonably</p>	<p>Onus of proof</p>

practicable, or to use the best practicable means to do something, it shall be for the accused to prove (as the case may be) that it was not practicable or not reasonably practicable to do more than was in fact done to satisfy the duty or requirement, or that there was no better practicable means than was in fact used to satisfy the duty or requirement.

62. (1) In the event of a contravention by any person of any of these regulations which expressly imposes any duty upon him, that person shall be guilty of an offence and the owner or the person in whose name the factory is carried on, as the case may be, shall not be guilty of an offence unless it is proved that he failed to take all reasonable steps to prevent the contravention.
- (2) Where an offence under these regulations is committed by a body or other association of persons, every person who, at the time of the commission of the offence, was a director, manager, secretary or other similar officer of such body or association, or was purporting to act in any such capacity, shall be guilty of that offence.
63. The Factories (Health, Safety and General Welfare) Regulations, 1945, are hereby revoked.

Offences

Revocation of
G.N. 458 of 1945

SCHEDULE

(Regulations 11 and 43)

Dangerous Machinery (Training of Young Persons)

First Part

1. Brick and tile presses
2. Machines used for opening or teasing in upholstery or bedding works.
3. Carding machines in use in the wool textile trades.
4. Corner staying machines.
5. Dough brakes.
6. Dough mixers.
7. Warm pressure-extruding machines.
8. Gill boxes in use in the wool textile trades.

9. The following machines used in the laundries:

- (a) Hydro mincing machines
- (b) Calendars
- (c) Washing machines;
- (d) Garment presses.

10. Meat mincing machines.

11. Milling machines in use in the metal trades.

12. Pie and tart making machines.

13. Power presses including hydraulic and pneumatic presses.

14. Loose knife-punching machines.

15. Wire stretching machines.

16. Semi -automatic wood turning lathes.

Second Part

Machines whether worked with the aid of mechanical power or not:

17. Guillotine machines.

18. Platen printing machines.