



AN BILLE UM SHABHAILTEACHT I dTIONSICAL, 1978
SAFETY IN INDUSTRY BILL, 1978

Mar a tionscnaíodh
As initiated

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY AND GENERAL

Section

1. Short title, commencement, construction and collective citation.
2. Interpretation.
3. Definition of "factory" amended.
4. Amendment by order of Acts and section 3 of Principal Act.
5. Regulations for safety and health.
6. Serving and sending of documents.
7. Repeals.

PART II

SAFETY AND NOTIFICATION OF ACCIDENTS

8. Duties of persons employed.
9. General duties of manufacturers etc. as regards plant for use at work.
10. Minister may in certain circumstances require machines etc. to be examined and tested and also require certain reports.
11. Prohibition notices.
12. Place of employment and means of access or egress to be safe.
13. Noise.
14. Temperature.
15. Accommodation for taking meals, etc.
16. Washing facilities.
17. Training and supervision of persons working at machines.
18. Cleaning of machinery.
19. Protection of eyes.
20. Removal of dust and fumes.

Section

21. Precautions in places where dangerous fumes are liable to be present.
22. Means of escape in case of fire; means of giving fire warning to be examined and tested.
23. Instructions as to use of means of escape in case of fire.
24. Docks, wharves, quays and warehouses.
25. Construction and maintenance of floors, passages and stairs.
26. Rain etc. to be excluded from workrooms etc.
27. Fire extinguishers, etc.
28. Asphyxiants and toxic, highly flammable or corrosive substances.
29. Cranes and other lifting machines.
30. Hoists, lifts, cranes and other lifting machines, chains, ropes and other lifting tackle.
31. Fixed vessels containing liquids etc.
32. Steam boilers.
33. Steam receivers.
34. Air receivers.
35. Notification of accidents.

PART III

SAFETY REPRESENTATIVES, SAFETY COMMITTEES, SAFETY DELEGATES AND SAFETY STATEMENTS

36. Safety representative.
37. Safety committee and safety delegate.
38. Safety representative or safety committee to be appointed by occupier in certain circumstances.
39. Minister may cause certain investigations to be carried out on receipt of request from safety representative, safety committee or safety officer.
40. Safety statements.

PART IV

MISCELLANEOUS AMENDMENTS OF PRINCIPAL ACT

41. Amendment of sections 2 and 3 of Principal Act.
42. Application of section 37 of Principal Act to certain electrical stations.
43. Amendment of sections 39, 72 and 85 of Principal Act.
44. Extension of sections 88 and 89 of Principal Act.
45. Amendment of section 111 of Principal Act.

Section

- 46. Amendment of section 112 of Principal Act.
- 47. Amendment of section 120 of Principal Act.
- 48. Metric conversion of, or provision of metric equivalents for, certain imperial measurements specified in Principal Act.
- 49. Amendment of Third Schedule to Principal Act.

PART V

MISCELLANEOUS

- 50. Chairman of Advisory Council.
- 51. Industrial Medical Adviser.
- 52. Certain medical practitioners enabled to issue certificates of fitness under section 80 of Principal Act.
- 53. Fee payable to medical practitioners under section 76 of Principal Act.
- 54. Powers of inspectors to take samples, etc.
- 55. Certain publications privileged.
- 56. Prosecution of offences.
- 57. Penalties for offences under Principal Act increased.

SCHEDULE

AMENDMENT OF PRINCIPAL ACT (METRIC CONVERSION OR
PROVISION OF METRIC EQUIVALENTS FOR CERTAIN
IMPERIAL AND OTHER MEASUREMENTS)

ACTS REFERRED TO

Factories Act, 1955	1955, No. 10.
Nuclear Energy (An Bord Fuinnimh Núicléigh) Act, 1971	1971, No. 12.
Petty Sessions (Ireland) Act, 1851	1851, c. 93.
School Attendance Act, 1926	1926, No. 17.



AN BILLE UM SHABHAILTEACHT I dTIONSICAL, 1978
SAFETY IN INDUSTRY BILL, 1978

BILL

entitled

AN ACT TO MAKE FURTHER PROVISIONS FOR SECURING 5
THE SAFETY, HEALTH AND WELFARE OF PERSONS
AT WORK, TO AMEND THE FACTORIES ACT, 1955,
AND TO MAKE OTHER PROVISIONS CONNECTED
WITH THE MATTERS AFORESAID.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS: 10

PART I

PRELIMINARY AND GENERAL

1.—(1) This Act may be cited as the Safety in Industry Act, 1978.

(2) This section shall come into operation on the passing of this Act, and the other provisions of this Act shall come into operation on such day or days as may be fixed therefor by order or orders of the Minister, either generally or with reference to any particular purpose or provision, and different days may be so fixed for different purposes and different provisions of this Act. 15

(3) The Principal Act and this Act shall be construed together as one Act. 20

(4) The Principal Act and this Act may be cited together as the Safety in Industry Acts, 1955 and 1978.

Short title, commencement, construction and collective citation.

Interpretation.

2.—In this Act—

“the Acts” means the *Safety in Industry Acts, 1955 and 1978*; 25

“approved” means approved for the time being by the Minister;

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

“the Minister” means the Minister for Labour; 30

“plant” includes any electrical or other appliance or equipment (or any part thereof) or any other machine or machinery (or any part thereof), whether driven by mechanical power or not, including in particular a hoist, lift, lifting tackle, steam or other boiler, steam receiver, air receiver, transmission machinery or lifting machine; 35

“the Principal Act” means the *Factories Act, 1955*;

“safety officer” means a person who for the time being stands appointed under regulations made under section 57 or 71 of the Principal Act to be a safety officer;

“specified premises” means—

- 5 (a) premises described in section 83 (1) or 84 (1) of the Principal Act,
- (b) premises to which the provisions of the Principal Act mentioned in section 85 (1) thereof are by that section applied,
- 10 (c) a dock, wharf, quay or warehouse mentioned in section 86 (1) of the Principal Act or a line or siding mentioned in the said section 86 (1) or in section 88 (1) of the Principal Act,
- (d) a dock, harbour or canal in which there is for the time being
- 15 a ship which is being loaded, unloaded, coaled or otherwise bunkered,
- (e) any place where building operations described in section 88 (1) of the Principal Act or works of engineering construction described in section 89 (1) of that Act are being
- 20 carried on.

3.—(1) Section 3 (1) of the Principal Act shall be construed and have effect as if the following paragraphs were substituted for paragraph (xviii) :

Definition of “factory” amended.

- 25 “(xviii) any premises in which cattle, sheep, poultry or other animals are killed in the course of a business, for packing or otherwise,
- (xix) any premises in which mechanical power or steam boilers are used for or in relation to the cleaning, grading or packing of any fruit or vegetables (including fungi).”
- 30

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

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

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

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

50

Amendment by order of Acts and section 3 of Principal Act.

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

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

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

Regulations for safety and health.

5.—Section 71 of the Principal Act, as amended by section 25 of the Nuclear Energy (An Bord Fuinnimh Núicléigh) Act, 1971, is hereby amended by the insertion after subsection (1) of the following subsection :

“(1A) Where the Minister is satisfied that if noise or other sound, pollutant, vibration or other thing were present throughout a factory or throughout a part of a factory to an extent greater than a particular amount or level it would thereby cause risk of bodily injury to the persons employed, he may, after consultation with the Minister for Health, make such special regulations as appear to him to be reasonably practicable and to meet the necessity of the case.”

Serving and sending of documents.

6.—Section 113 of the Principal Act is hereby amended by the substitution of the following for subsection (3):

“(3) Any document (including any summons or order) required or authorised to be served or sent under this Act may be served on or sent to a body, whether corporate or unincorporated—

(a) by leaving it at or sending it by post to the registered office (if any) of the body,

(b) by leaving it at or sending it by post to any place in the State at which the body conducts business, or

(c) by sending it by post to any person who is a director, manager, secretary or other officer of the body or is purporting to act in any such capacity at the place where that person resides.”

Repeals.

7.—The following provisions of the Principal Act are hereby repealed:

(a) in section 2 (1) the definition of “degrees”,

(b) subsections (18) and (19) of section 45,

(c) sections 34 (3), 47 (3), 68, 73 and 119 (2),

(d) in section 26 (2) the word “male”,

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

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

PART II

SAFETY AND NOTIFICATION OF ACCIDENTS

Duties of persons employed.

8.—Section 125 of the Principal Act is hereby amended by the substitution of the following subsection for subsection (1):

“(1) The following provisions shall apply to a person who is employed in a factory or in any other place to which any of the provisions of the *Safety in Industry Acts, 1955 and 1978*, apply namely,

- (a) he shall take reasonable care for his own safety and health and that of any other persons who may be affected by his acts or omissions while at work,
- 5 (b) he shall co-operate with his employer and any other person to such extent as will enable his employer or the other person to comply with any provision of the said Acts or regulations under the said Acts which applies to his employer or the other person,
- 10 (c) he shall not intentionally interfere with or misuse any means, appliance, convenience, equipment or other thing provided in pursuance of the said Acts or of regulations thereunder for securing the health, safety or welfare of the persons so employed,
- 15 (d) he shall use any clothing, equipment, appliance or other means or thing so provided (whether for his use alone or for use by him in common with others) for securing his health, safety or welfare while at work."

20 9.—(1) It shall be the duty of any person who manufactures, imports or supplies any plant for use at work in a factory or specified premises or in work which is work described in section 87 (1) of the Principal Act to ensure, so far as is reasonably practicable, that safeguards to ensure its safe operation have been provided in relation to the plant when it is properly used.

General duties of manufacturers etc. as regards plant for use at work.

25 (2) Any duty imposed on any person by this section shall extend only to things done in the course of a trade, business or other undertaking carried on by him (whether for profit or not).

30 (3) Where a person (which person is in this subsection referred to as "the supplier") supplies to another (which other is in this subsection referred to as "the customer") any plant described in *subsection (1)* of this section, under a hire-purchase agreement or credit-sale agreement, and the supplier—

- (a) carries on the business of financing the acquisition of goods by others by means of such agreements, and
- 35 (b) in the course of that business acquired his interest in the article supplied to the customer as a means of financing its acquisition by the customer from a third person (which person is in this subsection referred to as "the dealer"), the dealer and not the supplier shall be treated for the purposes of this section as supplying the article to the customer, and any duty imposed by this section on suppliers shall accordingly fall on the dealer and not on the supplier.
- 40

45 (4) For the purposes of this section plant shall not be regarded as being properly used where it is used without regard to the relevant information or advice relating to its use which has been made available by a person by whom it was designed, manufactured, imported or sold or otherwise supplied.

50 (5) (a) For the purpose of giving effect to *subsection (1)* of this section the Minister may by regulations prescribe specifications or other requirements with which the design and construction of any plant which is of a prescribed class or description shall comply.

55 (b) Where a person manufactures, imports or supplies plant for use at work described in *subsection (1)* of this section which is of a class or description specified in regulations under this section which are for the time being in force and the plant does not satisfy a requirement of the regulations, the person shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding
60 four hundred pounds.

(6) Where plant is used at work in a factory, in specified premises or in works of engineering construction and a request is made in that behalf by an inspector, the occupier shall give to the inspector the name of the person by whom the plant was sold or otherwise supplied.

(7) Any person who as principal or agent by act or omission contravenes *subsection (1)* of this section shall be guilty of an offence.

Minister may in certain circumstances require machines etc. to be examined and tested and also require certain reports.

10.—(1) Where there is an accident or dangerous occurrence in a factory or specified premises and the Minister is satisfied that the accident or occurrence may have been caused (whether wholly or partly) by any machine, plant, equipment or appliance, or any part thereof, then if the Minister considers it necessary for the proper investigation of the accident or occurrence, he shall by a notice in writing require the occupier, or the owner of the machine, plant, equipment or appliance concerned,

(a) to have such machine, plant, equipment or appliance, or in case the accident or occurrence is believed to have been so caused by a part thereof, that part, examined and tested forthwith by a competent person, and

(b) to have a report of the results of the examination and test prepared and submitted to the occupier or such owner, as may be appropriate, by the person by whom the examination and test was carried out as soon as may be and in any case not later than twenty-eight days after the completion of the examination and test, and

(c) to give to the Minister a copy of such report within seven days of its receipt in pursuance of *paragraph (b)* of this subsection.

(2) A report required under *subsection (1)* of this section shall include particulars of—

(a) the manner in which the relevant examination was carried out,

(b) the method used when making any tests,

(c) any structural or other weakness or defect which in the opinion of the person carrying out the examination would affect the ultimate strength of, or account for any failure in, the machine, plant, equipment, appliance or part examined, and

(d) such other matter as the Minister may specify when making the requirement under this section.

(3) (a) Where as a result of an accident or dangerous occurrence in a factory or specified premises any plant is removed from the factory for examination (otherwise than in pursuance of a requirement under *subsection (1)* of this section) by or on behalf of a person other than the owner of the plant, then such owner shall, not later than seven days after the removal, inform the Minister of the removal and at the same time inform him of the name and address of the person by whom the examination is being carried out.

(b) Where the Minister receives information in pursuance of this subsection he may by a notice in writing require the person from whom the information was received to give to the Minister a copy of the relevant report of the results of the examination, and in case a requirement is made under this paragraph, the requirement shall be complied with within—

- (i) in case the said report has been given to the person to whom the notice relates before receipt by him of the notice, seven days of such receipt,
- (ii) in any other case, seven days of the receipt by the person of the said report.

5 (4) If the Minister is not satisfied as to the adequacy of a report under this section, or the competence of a person employed to make an examination and test referred to in this section or as to the adequacy of such an examination and test, he may require the owner of the plant concerned to have it re-examined and tested at the expense of such owner by a person nominated by the Minister, and in case the Minister makes a requirement under this subsection such owner shall give any necessary facilities for such re-examination and test.

15 (5) Any person who fails to comply with a requirement of a notice served on him under *subsection (1)* of this section shall be guilty of an offence.

(6) In any proceedings for an offence under this section it shall be a good defence for the accused to prove that he used all due diligence to comply with the requirements of the relevant notice.

11.—(1) This section applies to any activities which are being or are about to be carried on by or under the control of any person, being activities to or in relation to which any provision of the Acts or regulations under the Acts apply or will, if the activities are so carried on, apply.

Prohibition notices.

(2) If as regards any activities to which this section applies the Minister is of the opinion that, as carried on or about to be carried on by or under the control of the person in question, the activities involve or, as the case may be, are likely to involve a risk of serious bodily injury to persons employed, the Minister may serve on that person a notice (in this section referred to as "a prohibition notice").

(3) A prohibition notice shall—

(a) state that the Minister is of the said opinion,

(b) specify the matters which in his opinion give or, as the case may be, are likely to give rise to the said risk,

(c) where in his opinion any of those matters involves or, as the case may be, will involve a contravention of any provision of or any regulations under the Acts, state that he is of that opinion, specify the provision or provisions as to which he is of that opinion, and give particulars of the reasons why he is of that opinion, and

(d) direct that the activities to which the notice relates shall be carried on neither by or under the control of the person on whom the notice is served nor by or under the control of any other person unless the matters specified in the notice in pursuance of *paragraph (b)* of this subsection, and any associated contravention of provisions so specified in pursuance of *paragraph (c)* of this subsection, have been remedied.

(4) A prohibition notice shall take effect—

(a) in case the Minister is of the opinion, and states it in the notice, that the risk of serious bodily injury to persons employed is or, as the case may be, will be imminent, immediately the notice is received by the person on whom it is served,

- (b) in any other case—
- (i) if no appeal is taken against the notice, on the expiration of the period during which such an appeal may be taken or the day specified in the notice as that on which it is to come into effect, whichever is the later, 5
 - or
 - (ii) in case such an appeal is taken, on the day next following the day on which the notice is confirmed on appeal or the appeal is withdrawn or the day specified in the notice as that on which it is to come into effect, whichever is the later. 10
- (5) (a) A person who is aggrieved by a prohibition notice may, within the period of seven days beginning on the day on which the notice is served on him, appeal to a Justice of the District Court against the notice and in determining the appeal the Justice may— 15
- (i) if he is satisfied that in the circumstances of the case it is reasonable so to do, confirm the notice, with or without modification, 20
 - or
 - (ii) cancel the notice.
- (b) Where on the hearing of an appeal under this section a prohibition notice is confirmed, notwithstanding *subsection (4)* of this section, the Justice by whom the appeal is heard may, on the application of the appellant, suspend the operation of the notice for such period as in the circumstances of the case he considers appropriate. 25
- (6) The Minister may revoke a prohibition notice.
- (7) A prohibition notice shall be signed by an officer of the Minister who is for the time being authorised in writing by the Minister to sign such notices. 30
- (8) (a) Where a prohibition notice has been served and activities are carried on in contravention of the notice, the High Court may on the application of the Minister by order prohibit the continuance of the activities. 35
- (b) An application to the High Court for an order under this subsection shall be by motion and the Court when considering the matter may make such interim or interlocutory order (if any) as it considers appropriate. The order by which an application under this subsection is determined may contain such terms and conditions (if any) as to the payment of costs as the Court considers appropriate. 40
- (9) Any person who carries on activities in contravention of a prohibition notice shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £200. 45

Place of employment and means of access or egress to be safe.

12.—(1) The following subsection is hereby substituted for subsection (1) of section 37 of the Principal Act :

“(1) Every place at which any person has at any time to work shall be made and kept in a safe condition and in addition to the foregoing there shall, so far as is reasonably practicable, be provided and maintained safe means of access to and egress from every such place.” 50

(2) Section 37 (2) of the Principal Act shall be construed and have effect as if the reference therein to ten feet included a reference to two metres. 55

13.—(1) The occupier of a factory or specified premises shall, in Noise.
relation to noise in the factory or other premises, take such steps (if
any) as are appropriate either by reducing sound levels or otherwise,
to ensure that noise in the factory or other premises, or in any part
5 thereof, is such as not to be likely to injure the hearing or otherwise
adversely affect the health of persons employed.

(2) Where the Minister is satisfied that were the noise to which
any persons employed in a factory or specified premises are exposed
to be greater than a particular level in particular circumstances, a risk
10 of bodily injury to such persons would occur or that were such noise
to exceed in duration a particular period such a risk would occur, or
that such noise would in other particular circumstances cause such a
risk to occur, he may, after consultation with the Minister for Health,
make regulations requiring occupiers to ensure, in those circum-
15 stances, either that noise in factories or specified premises does not
exceed that level or that such persons are not in factories or specified
premises exposed to noise greater than that level.

14.—The following subsection is hereby substituted for subsection Temperature.
(1) of section 12 of the Principal Act :

20 “ (1) Effective provision shall be made and used for securing
and maintaining a reasonable temperature in each workroom,
but no method shall be employed which either results in the
escape into the air of any workroom of any fumes of such
25 character and to such extent as would be likely to be injurious
or offensive to persons employed therein or would be likely to
constitute a fire hazard.”

15.—(1) Where in any premises to which this section applies more Accommodation
than ten persons are employed, accommodation shall be provided for for taking meals,
boiling water and taking meals and such accommodation shall be etc.
30 both adequate and suitable.

(2) This section applies to premises which are—

- (a) a factory, or
- (b) premises described in section 83 (1) or 84 (1) of the Principal Act, or
- 35 (c) premises to which the provisions of the Principal Act men-
tioned in section 85 (1) thereof are by that section applied.

16.—The facilities for washing mentioned in section 53 (1) of the Washing facilities.
Principal Act shall include either a supply of hot and cold water or
a supply of warm water, and the said section 53 (1) shall be con-
40 strued and have effect in accordance with the foregoing.

17.—The Principal Act is hereby amended by the substitution of Training and
the following section for section 32: supervision of
persons working
at machines.

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

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

(2) In this section—

'machine' includes any steam boiler, steam receiver or air receiver, or any lifting machine which is driven by mechanical power;

any reference to working on, at or with a machine shall— 5

(a) in the case of a steam boiler, be construed as including a reference to working in connection with the generation of steam from that boiler,

(b) in the case of a steam receiver, be construed as including a reference to working in connection with 10 the use of steam in that receiver,

(c) in the case of an air receiver, be construed as including a reference to working in connection with the use of compressed air in that receiver, and

(d) in the case of such a lifting machine be construed as 15 including a reference to driving and operating the machine.”.

Cleaning of machinery.

18.—The following section is hereby substituted for section 31 of the Principal Act:

“31.—(1) A young person shall not clean, nor shall he be 20 required to clean, any part of a prime mover or of any transmission machinery while the prime mover or transmission machinery is in motion, nor shall he clean or be required to clean any part of any machine if the cleaning thereof would expose him to risk of injury from any moving part either of that 25 machine or of any adjacent machinery.

(2) (a) In addition to the requirements of *subsection (1)* of this section, a person shall not clean, nor shall he be required to clean, a machine unless a safe system of work is in operation as regards the machine and such 30 system previously has been made known to him. The safe system referred to shall, where practicable, be such that—

(i) before commencing to clean the machine the power required to drive the machine shall be 35 isolated by, or with the knowledge of, the person who is to clean the machine by cutting off the power of the machine or otherwise depriving the machine of such power, and

(ii) the supply of such power may only be restored 40 to the machine by, or with the knowledge and consent of, such person.

(b) Where it is not practicable to provide for the isolation as aforesaid of the power required to drive a machine, the safe system of work referred to shall include 45 provisions to ensure that—

(i) in case the machine is in motion immediately before the cleaning of the machine is commenced, the machine cannot remain in motion without the knowledge and consent of the person 50 who is about to clean the machine,

(ii) where a machine is being cleaned and is not in motion, the machine cannot be put in motion without the prior knowledge and consent of the person cleaning the machine.”. 55

19.—The Principal Act is hereby amended by the substitution of the following section for section 60: Protection of eyes.

5 “60.—In the case of any such process as may be specified in regulations made by the Minister after consultation with the Minister for Health, being a process which involves a special risk of injury to the eyes, suitable goggles, effective screens or other suitable means shall, in accordance with any directions given by the regulations, be provided to protect the eyes of the persons employed.”

10 20.—Subsection (1) of section 58 of the Principal Act is hereby amended by— Removal of dust and fumes.

(a) the insertion of “or working on the premises” before “, or any substantial quantity”, and

15 (b) the substitution of “those persons against” for “the persons employed against”,

and the said subsection (1), as so amended, is set out in the Table to this section.

TABLE

20 In every factory in which, in connection with any process carried on, there is given off any dust or fume or other impurity of such a character and to such an extent as to be likely to be injurious or offensive to the persons employed or working on the premises, or any substantial quantity of dust of any kind, all practicable measures shall be taken to protect those persons against inhalation of the dust or fume or other impurity and to prevent its accumulation in any workroom, and in particular, where the nature of the process makes it practicable, exhaust appliances shall be provided and maintained, as near as possible to the point of origin of the dust or fume or other impurity, so as to prevent it entering the air of any workroom.

21.—The following subsections are hereby substituted for subsections (1) and (2) of section 38 of the Principal Act: Precautions in places where dangerous fumes are liable to be present.

35 “(1) Where work has to be done inside any chamber, tank, vat, pit, pipe, flue or similar confined space or any other place in which dangerous fumes are liable to be present to such an extent as to involve risk of persons being overcome thereby, the following provisions shall apply, namely—

40 (a) the confined space or the other place shall, unless there is other adequate means of egress, be provided with a manhole, which may be rectangular, oval, or circular in shape and shall be not less than 457·2 millimetres (18 inches) long, 406·4 millimetres (16 inches) wide or (if circular) not less than 457·2 millimetres (18 inches) in diameter, or in the case of tank wagons and other mobile plant not less than 406·4 millimetres (16 inches) long, 355·6 millimetres (14 inches) wide or (if circular) not less than 406·4 millimetres (16 inches) in diameter,

50 (b) no person shall enter, or be permitted to enter, the confined space or the other place for any purpose unless the following requirements are complied with:

55 (i) all practicable steps shall be taken to remove any fumes which may be present and to prevent any ingress of fumes and, unless it has been ascertained by a suitable test that the space or other place is free from dangerous fumes, the person

entering shall wear a belt or other suitable harness to which there is securely attached a rope of which the free end is held by a person outside, or

(ii) the person entering shall wear a suitable breathing apparatus, 5

(c) suitable breathing apparatus and a suitable reviving apparatus and suitable belts or other suitable harness and suitable ropes shall be provided and shall be maintained so as to be readily accessible and be thoroughly examined by a competent person at least once a month, or at such other intervals as may be prescribed, 10

(d) a sufficient number of the persons employed shall be trained and practised in the use of such apparatus, and in a method of restoring respiration, 15

(e) a report on every examination under paragraph (c) of this subsection, signed by the person making the examination, shall be kept available for inspection.

(2) Without prejudice to subsection (1) of this section, a person shall not enter or remain for any purpose in any chamber, tank, vat, pit, pipe, flue or similar confined space or in any other place in which dangerous fumes are liable to be present to the extent specified in subsection (1) of this section, unless either— 20

(a) he is ensured of a supply of air adequate for respiration and to render harmless any fumes, or 25

(b) he is wearing a suitable breathing apparatus.”

Means of escape in case of fire; means of giving fire warning to be examined and tested.

22.—(1) Section 45 of the Principal Act shall have effect in relation to any factory and, accordingly, that section shall be construed as if “to which this section applies” were deleted in each place where it occurs. 30

(2) Section 45 of the Principal Act is hereby further amended by—

(a) the addition to subsection (1) of the following proviso:

“Provided that where an application has been made for a certificate under this section, then for so long, but only for so long, as the certificate is neither given, refused nor deemed under subsection (3A) of this section to have been refused an offence by reason of the occupier not having in force any certificate shall be deemed not to be committed.”; 40

(b) the insertion after subsection (3) of the following subsections:

“(3A) Where an application is made to a sanitary authority for a certificate under this section and the authority decide to grant the certificate only if certain alterations are carried out to the factory concerned by the applicant, the authority shall notify the applicant and the Minister in writing of the decision and specify in writing the alterations they require to be carried out and the period within which they require such alterations to be carried out, and in case the applicant is so notified and such alterations are not carried out within the said period, or such extended period as the authority may allow, then on the expiration of such period or extended period, as may be appropriate, the application shall be deemed to have been refused. 55

(3B) In examining a factory under this section a sanitary authority shall be entitled to require the occupier of the factory to provide the authority with a copy of any plan, or line or simple dimensional draw-

ing of the factory, or another similar document, and in case a requirement is made under this section, the person of whom the requirement is made shall forthwith comply therewith.”.

5 (3) The following is hereby substituted for subsection (2) of section 47 of the Principal Act:

“ (2) Any doors opening on to any staircase or corridor in a factory from any room therein, being a room in which more than ten people are employed, and all other doors affording a means of exit from the factory for persons employed therein, shall, except in the case of sliding doors, be constructed to open outwards.”.

10 (4) (a) Every means of giving warning in case of fire which is provided in pursuance of section 47 (7) of the Principal Act shall be thoroughly examined and tested by a competent person at least once in every such period as is for the time being prescribed for the purpose of this section and also at any time when an inspector so requires.

20 (b) A record of the date of every test or examination carried out in pursuance of this subsection and of any defect found and the date and particulars of anything done to remedy such defect shall be entered in the general register.

25 (c) The Minister may by regulations prescribe the manner in which examinations and tests under this subsection are to be carried out.

23.—Section 48 of the Principal Act is hereby amended by—

Instructions as to use of means of escape in case of fire.

(a) the substitution of the following subsections for subsection (1) :

“ (1) Where—

30 (a) in any factory more than twenty persons are employed, or

35 (b) any persons are employed in any building in which explosives or highly flammable materials are being used or stored and which forms part of a factory,

effective steps shall be taken to ensure that all persons employed there are familiar with the means of escape in case of fire and its use and with the routine to be followed in case of fire.

40 (1A) Fire drill, that is to say the procedure to be followed in evacuating premises in case there is an outbreak of fire or another emergency, shall be held in every factory or building mentioned in subsection (1) of this section at least once every two months or at such other intervals as may be prescribed and fire drill held pursuant to this subsection shall be held in a factory or building—

45 (a) throughout the factory or building at the same time, or

50 (b) in such other manner as may be prescribed and applying to the factory or building.

55 (1B) A record containing the prescribed particulars shall be kept of fire drill held in pursuance of this section and such record shall be attached to the general register.”;

and

(b) the substitution of the following for paragraph (a) of subsection (2):

60 “ (a) the number of persons employed in a factory shall be taken to be the largest number so employed at any one time,”.

Docks, wharves,
quays and
warehouses.

24.—(1) Section 32 (inserted by *section 17* of this Act), section 45 (as extended and amended by *sections 7 (a)* and *22* of this Act) and section 58 (as amended by *section 20* of this Act) of the Principal Act shall apply to every dock, wharf, or quay (including any warehouse belonging to the owners, trustees or conservators of the dock, wharf or quay and any line or siding used in connection with and for the purposes of the dock, wharf or quay and not forming part of a railway or tramway) and every other warehouse (not forming part of a factory) in or for the purposes of which mechanical power is used, as if it were a factory, or, pending the commencement of *section 7 (a)* of this Act a factory to which the said section 45 applies, as may be appropriate, and as if the person having the actual use or occupation of it, or of any premises within or forming part of it, were the occupier of a factory.

(2) Subsection (3) of section 86 of the Principal Act is hereby amended by the substitution of “persons working at machines” for “young persons working at dangerous machines”, and the said subsection (3), as amended by this subsection and by *section 7* of this Act, is set out in the Table to this subsection.

TABLE

The provisions of Part III of this Act with respect to prime movers, transmission machinery, other machinery, provisions as to unfenced machinery, construction and maintenance of fencing, construction of machinery, cleaning of machinery by young persons, training and supervision of persons working at machines, hoists and lifts, chains, ropes and lifting tackle, cranes and other lifting machines, construction and maintenance of floors, passages and stairs, and the power of the District Court to make orders as to dangerous factories shall apply to every warehouse mentioned in subsection (1) of this section as if the warehouse were a factory and as if the person having the actual use or occupation thereof were the occupier of a factory.

Construction and
maintenance of
floors, passages
and stairs.

25.—Section 36 of the Principal Act is hereby amended by—

(a) the substitution of the following subsection for subsection (1):

“(1) All floors, steps, stairs, passages and gangways shall be of sound construction and properly maintained and shall, as far as practicable, be kept free from any substance the presence of which would be likely to cause persons to slip.”;

and

(b) the addition to the section of the following subsection:

“(5) As on and from the expiration of the period of three years beginning on the commencement of *section 25* of the *Safety in Industry Act, 1978*, the safe working load of any suspended floor in a factory shall be displayed on a notice which shall be posted and kept posted at the place where such floor is situate and in such position as will enable the notice easily to be read.”.

Rain etc. to be
excluded from
workrooms etc.

26.—(1) Every workroom, messroom, washroom and cloakroom in any premises to which this section applies shall be constructed and maintained so as to exclude therefrom rain and any other wet or damp originating outside.

(2) Where in any premises to which this section applies a workplace which is not walled or otherwise enclosed is roofed or otherwise permanently covered, such roof or covering shall be impervious to water and shall be of sufficient area to ensure dry working conditions in the workplace.

(3) This section applies to any premises which is—

(a) a factory, or

(b) a premises referred to in *paragraph (b) or (c) of section 15 (2)* of this Act, or

5 (c) a dock, wharf, quay or warehouse mentioned in *section 86 (1)* of the Principal Act.

27.—(1) There shall be provided and properly maintained—

Fire extinguishers,
etc.

(a) in every factory or specified premises,

10 (b) at every place where work which is work described in *section 87 (1)* of the Principal Act is carried on,

suitable and adequate fire extinguishers or other fire-fighting equipment to fight initially an outbreak of fire, and equipment provided in pursuance of this section shall be placed so as to be readily available for use.

15 (2) Subject to *subsection (4) (a)* of this section, the Minister may make regulations—

20 (a) requiring prescribed equipment to be provided in factories and specified premises generally or in factories and specified premises of a prescribed class or description or in specified parts of factories and specified premises generally or of factories and specified premises of such a class or description, or in places mentioned in *subsection (1)* of this section, for initially fighting outbreaks of fire,

25 (b) providing for the examination and testing at prescribed intervals of fire-fighting equipment provided in pursuance of this section or regulations hereunder,

30 (c) providing for the recording in a prescribed manner of the particulars of such examinations and tests, including particulars of any defects found on any such examination or test, and

(d) providing for so recording particulars of the things done to remedy any such defect,

35 and provisions of regulations under this subsection may be in addition to or in substitution for any or all of the provisions of *subsection (1)* of this section.

40 (3) Subject to *subsection (4) (a)* of this section, the Minister may, as regards factories and specified premises generally or factories and specified premises of a prescribed class or description, make regulations requiring that suitable means be provided to alert the local fire brigade in case of an outbreak of fire and that an adequate number of persons employed at the factory or other premises are familiar with its use.

45 (4) (a) Regulations shall be made under this section by the Minister only after consultation with the Minister for the Environment.

(b) Regulations under this section may impose duties on owners, employed persons and other persons, as well as on occupiers.

50 (5) Subject to *subsection (4) (a)* of this section, the Minister may by regulations provide for the exemption from the requirements of *subsection (1)* of this section of any prescribed class or description of factory and specified premises or place either absolutely or subject to conditions.

Asphyxiants and toxic, highly flammable or corrosive substances.

28.—(1) This section applies to any asphyxiant or any other substance which is a toxic, corrosive or highly flammable substance or a substance (in this section referred to as a "regulated substance") which is one to which regulations under this section apply.

(2) Where in a factory or specified premises a substance to which this section applies is present, the occupier concerned shall ensure that there is posted and kept posted at any place at which the substance is present in the factory or specified premises a notice stating that the place is one at which a substance to which this section applies is present and that such substance is dangerous, and, in addition to the foregoing but subject to the requirements in that regard of any regulations under this section, the notice shall also—

(a) specify safety precautions to be taken in using the substance,

(b) specify steps to be taken by way of first aid in case bodily injuries are caused by the substance, and

(c) specify means to be used initially in fire-fighting should an outbreak of fire occur at the place,

and a notice posted in pursuance of this section shall be in such position as will enable it easily to be read.

(3) (a) Where the Minister is of the opinion that a particular substance or a substance which is of a particular class or description if used in a factory or specified premises could cause bodily injury to persons employed therein, he may by regulations provide that it shall be a substance to which this section applies, and notwithstanding the foregoing,

(i) in the case of a prescribed substance, regulations under this section may apply this section to the substance if it is used, or is intended to be used, in a factory or specified premises in any process, or apply this section to it in so far only as the substance is used, or is intended to be used, in a factory or specified premises, in a process specified in the regulations,

(ii) in the case of a substance of a prescribed class or description, regulations under this section shall apply this section to it in so far only as the substance is used or is intended to be used in a factory or specified premises in a process specified in the regulations.

(b) Regulations under this section shall include provisions requiring any occupier concerned to ensure that a notice posted by him in pursuance of subsection (2) of this section specifies the means so prescribed as those to be used initially in fire-fighting should an outbreak of fire occur at the place.

(4) The Minister may make regulations requiring the provision in factories and specified premises generally, or in factories and specified premises of a prescribed class or description, of suitable and adequate alarm systems for giving warning of any risk of bodily injury to persons employed which is caused by any asphyxiant, toxic, corrosive or highly flammable substance which is specified in the regulations and is for the time being in use or is otherwise present in a factory or specified premises.

(5) Where the Minister considers as regards a factory or specified premises that toxic, asphyxiant or highly flammable gases, fumes or other vapours are, or are likely to be, present, he may require the occupier to carry out, or cause to be carried out, in the factory or other premises an investigation for the purpose of assessing the risk (if any) of bodily injury to persons employed therein such presence

(whether actual or anticipated) constitutes, and in case the Minister makes a requirement under this subsection, the occupier concerned shall forthwith comply with the requirement and inform the Minister in writing of the result of the investigation.

5 29.—Section 35 of the Principal Act is hereby amended by—

Cranes and other lifting machines.

(a) the substitution of the following subsection for subsection (2):

“ (2) All such parts and gear as are specified in subsection (1) of this section shall be thoroughly examined by a competent person at least once in every—

10 (a) in the case of a vehicle lifting table, twenty-six months,

(b) in the case of any other lifting machine, fourteen months,

15 and a register shall be kept containing the prescribed particulars of every such examination.”;

and

(b) the substitution of the following subsections for subsection (8):

20 “ (7A) No person under eighteen years shall be employed to operate a lifting machine which is driven by mechanical power unless he is under adequate supervision for purposes of training.

25 (8) Where a person who is in control of a lifting machine which is driven by mechanical power is at any time, while the machine is being used by him to lift a load, unable to see the load, another person, who shall be not less than eighteen years, shall be stationed in a position where he can see the load and be employed to give signals to the person using the machine.

30 (9) (a) Every signal given in relation to the moving or stopping of a lifting machine shall be both distinctive in character and such that the person to whom it is given can easily see or hear it, as may be appropriate.

35 (b) Any device, apparatus or other thing used to give signals to which paragraph (a) of this subsection applies shall be both properly maintained and adequately protected to prevent accidental interference or damage.

40 (10) In this section ‘ lifting machine ’ includes,

(a) a crane, crab, winch, teagle, pulley block, gin wheel, transporter, runway, straddle truck or straddle carrier,

45 (b) a vehicle which can be used to transport goods and which is fitted with forks or any other attachment for stacking, loading or unloading goods, and

(c) a lifting table which is used to give access to the underside of motor vehicles.”.

50 30.—(1) This section applies to the following things, namely:

(a) any hoist or lift,

(b) any crane or other lifting machine, and

(c) any chain, rope or other lifting tackle.

Hoists, lifts, cranes and other lifting machines, chains, ropes and other lifting tackle.

(2) Where a thing to which this section applies is examined in pursuance of section 33, 34 or 35 of the Principal Act and the examination reveals that the thing examined can only be used safely if certain repairs are carried out, or if the person making the examination foresees a need for such repairs, the person making the examination shall forthwith inform the occupier of the need for the repairs, or the potential need, and in the case of such potential need specify the period within which, in his opinion, the repairs should be carried out, and the person who caused the examination to be made shall not later than twenty-eight days after completion of the examination send a copy of the report to the Minister.

(3) Where a report of an examination of a thing to which this section applies which is carried out in pursuance of section 33, 34 or 35 of the Principal Act specifies conditions for securing the safe working of such thing, notwithstanding anything contained in the Principal Act, the thing shall only be used in accordance with those conditions.

(4) A lift or hoist shall not be taken into use in any premises to which this section applies for the first time unless it has been tested and thoroughly examined by a competent person and a certificate of such test and examination specifying the safe working load of the lift or hoist has been obtained.

(5) A certificate obtained in pursuance of subsection (4) of this section shall be kept available for inspection at the relevant premises.

(6) This section applies to premises which are premises to which section 26 of this Act applies.

Fixed vessels
containing liquids
etc.

31.—The Principal Act is hereby amended by the substitution of the following subsection for subsection (1) of section 29:

“(1) Where a fixed vessel, structure, sump or pit of which the edge is less than one metre (39·37 inches) above the adjoining ground or platform—

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

(b) contains or is likely to contain to a depth of more than one metre (39·37 inches) any liquid or other substance or material capable of flowing,

then—

(i) it shall be securely covered or securely fenced to at least a height of one metre (39·37 inches), or

(ii) where by reason of the nature of the work neither secure covering nor secure fencing to that height is practicable, all practicable steps shall be taken by covering, fencing or other means to prevent any person from falling into the vessel, structure, sump or pit.”

Steam boilers.

32.—Section 40 of the Principal Act is hereby amended by—

(a) the substitution of the following subsection for subsection (7):

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

and

(b) the substitution of "within three months of the completion of the first part of the examination" for "as soon as possible thereafter" in subsection (8),

and the said subsection (8), as so amended, is set out in the Table to this section.

TABLE

Any examination in accordance with the requirements of subsection (7) of this section shall consist, in the first place, of an examination of the boiler when it is cold and the interior and exterior have been prepared in the prescribed manner, and secondly, except in the case of an economiser or superheater, of an examination when it is under normal steam pressure, and the two parts of the examination may be carried out by different persons; the examination under steam pressure shall be made on the first occasion when steam is raised after the examination of the boiler when cold, or within three months of the completion of the first part of the examination, and the person making the examination shall see that the safety valve is so adjusted as to prevent the boiler being worked at a pressure greater than the maximum permissible working pressure.

33.—Section 41 of the Principal Act is hereby amended by the insertion of the following subsections after subsection (7):

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

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

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

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

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

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

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

34.—Section 42 of the Principal Act is hereby amended by the insertion of the following subsections after subsection (7):

"(7A) (a) An air receiver which has previously been used shall not be taken into use in any factory for the

first time in that factory until it has been thoroughly examined and tested by a competent person so far as the construction of the receiver permits.

(b) A report of the results of every examination and test under paragraph (a) of this subsection containing the particulars prescribed for the purposes of subsection (7) of this section shall be entered in or attached to the general register. 5

(7B) A new air receiver shall not be taken into use in any factory unless— 10

(a) there has been obtained from the manufacturer, or from a competent person, a certificate specifying the maximum permissible working pressure thereof and stating the nature of the tests to which the air receiver and fittings have been submitted, 15

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

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

(7C) The person making the report of any examination under this section, or in the case of an air receiver inspecting company or association, the chief engineer thereof, shall within twenty-eight days of the completion of the examination send to the Minister a copy of the report in every case where the maximum permissible working pressure is reduced, or the examination shows that the air receiver cannot continue to be used with safety unless certain repairs are carried out immediately or within a specified time.”. 20 25

Notification of accidents.

35.—Subsection (1) of section 74 of the Principal Act is hereby amended by the substitution of “performing the normal duties of his employment” for “earning full wages at the work at which he was employed” in paragraph (b). 30

and the said subsection (1), as so amended, is set out in the Table to this section.

TABLE

Where any accident occurs in a factory which either— 35

(a) causes loss of life to a person employed in that factory, or

(b) disables any such person for more than three days from performing the normal duties of his employment,

written notice of the accident, in the prescribed form and accompanied by the prescribed particulars, shall forthwith be sent to the Minister. 40

PART III

SAFETY REPRESENTATIVES, SAFETY COMMITTEES, SAFETY DELEGATES AND SAFETY STATEMENTS

Safety representative.

36.—(1) The persons employed in a premises to which this section applies may, unless there is in office a safety committee, select and appoint from amongst their number a representative (in this Act referred to as “the safety representative”) to represent them in consultations pursuant to this section with the occupier, and unless he sooner resigns or ceases to be an employee in the premises concerned a safety representative appointed under this section shall hold office for a period of three years beginning on the date of his appointment. 45 50

(2) Where an appointment is made under this section, the occupier concerned shall hold consultations with the safety representative for 55

the purpose of ensuring co-operation in the premises in relation to the provisions of—

(a) the Acts,

5 (b) regulations under the Acts relating to safety, health and welfare and applicable to or in respect of such persons,

(c) such other enactments applying to the premises or to such persons or to both as may be prescribed.

10 (3) An occupier shall consider any representations made to him by the safety representative on any matter affecting the safety, health and welfare of the persons employed.

(4) On receipt of a notification in that behalf, an occupier shall enter in the general register the name of any person who for the time being stands appointed to be the safety representative under this section.

15 (5) On a request being made by him in that behalf, the safety representative shall be entitled to accompany an inspector on any tour of inspection of the relevant premises (or on any part of such tour) made by the inspector in the course of duty which is not a
20 tour of inspection made by the inspector specifically to investigate an accident, and in case a safety representative intends so to accompany an inspector he shall, before accompanying the inspector, inform him of his intention.

(6) The foregoing provisions of this section apply to a premises in which not more than twenty people are employed for the time
25 being and which is a premises to which *section 15* of this Act applies.

(7) In case a safety representative is appointed pursuant to this Act and subsequent to the appointment and during his term of office the number of persons employed at the premises concerned at any time exceeds twenty, the safety representative shall not cease
30 to hold office by reason only of the fact that the number of persons so employed so exceeds twenty.

37.—(1) (a) Subject to *section 38 (4) (b)* of this Act, should they so wish the persons employed in premises to which this section applies may select and appoint from amongst their number a committee (in this Act referred to as “a safety committee”) to perform the functions assigned by this section to safety committees.

Safety committee and safety delegate.

35 (b) The number of members of a safety committee shall not be less than three and shall not exceed one for every twenty persons employed in the relevant
40 premises at the time when the committee is appointed or ten, whichever is the less.

(2) Where immediately before the commencement of this section a body having at least three members was either a safety committee
45 within the meaning of *section 73 (1)* of the Principal Act or a committee or other body as regards which a certificate issued under *section 73 (2)* of the Principal Act was then in force, even if the number of members of the body is greater than ten the body shall for the purposes of this Act be deemed to have been appointed
50 immediately after such commencement under *subsection (1)* of this section and references in this Act to a “safety committee” shall be construed as including references to the body.

(3) Where a safety committee is appointed under this section and at the time of the appointment any representative stands
55 appointed under *section 36* or *38* of this Act as regards the premises concerned, the appointment under this section shall operate to revoke the appointment of such representative.

60 (4) In case a safety committee is, or is deemed to have been

appointed under this section, the following provisions shall have effect:

(a) it shall be a function of the safety committee to assist the occupier concerned and the persons employed in the relevant factory or other premises in relation to the provisions of the Acts and of regulations under the Acts, 5

(b) (i) the safety committee may select and appoint from amongst their number a representative (in this Act referred to as the "safety delegate") to make representations on their behalf to and accompany inspectors pursuant to this section, 10

(ii) where a safety delegate ceases to be a member of the safety committee by whom he was appointed, he shall at the same time cease to be such delegate,

(c) the quorum for a meeting of a safety committee shall be such number, being not less than three, as shall for the time being be fixed by the committee, 15

(d) where a member of a safety committee ceases to be employed in the factory or other premises concerned, he shall at the same time cease to be a member of the committee, 20

(e) the relevant occupier shall be entitled to attend personally, or to nominate a person to attend on his behalf at, each meeting of the safety committee,

(f) the said occupier or his nominee shall attend the first meeting after the commencement of this section of the safety committee and shall, as soon as may be after it is available, present to the members of the committee the statement required under *section 40* of this Act, 25

(g) the said occupier shall consider any representations made to him by the safety committee on matters affecting the safety, health and welfare of persons employed in the relevant factory or other premises, 30

(h) the safety committee shall consider any representations made to it by the said occupier on matters affecting the safety, health and welfare of persons employed in the said factory or other premises, 35

(i) the safety delegate may make representations to an inspector on matters affecting the safety, health and welfare of the persons employed in the said factory or other premises (being representations made on the request of the safety committee) and, for the purpose of considering the representations, an inspector may inspect any records of the proceedings of the safety committee, 40

(j) on a request being made in that behalf by him, the safety delegate shall be entitled to accompany an inspector on any tour of inspection of the said factory or other premises (or on any part of such tour) made by the inspector in the course of duty which is not a tour of inspection made specifically to investigate an accident. 45 50

(5) Upon the request of a safety committee, the occupier concerned shall make an entry in the general register noting—

(a) the appointment of the safety committee,

(b) where appropriate, the revocation by that appointment of an appointment under *section 36* or *38* of this Act, 55

(c) if the safety committee has nominated a safety delegate, the name of the safety delegate.

(6) On a request being made in that behalf by a safety committee, the relevant occupier shall consult with the safety committee with the object of reaching agreement concerning—

(a) facilities for holding meetings of the safety committee, and

(b) the frequency, duration and times of meetings of the safety committee.

(7) Subject to the terms of any agreement between the relevant occupier and a safety committee, meetings of the safety committee shall be held from time to time on such days as the committee shall decide and such meetings may be held during normal working hours without loss of remuneration to the members of the committee if the following conditions are satisfied, namely:

(a) except in the case of an emergency such meetings shall not be held more frequently than once every two months,

(b) the duration of each such meeting shall not exceed two hours, and

(c) the number of members of the safety committee attending such a meeting shall be at least such as is required to form a quorum, and

(d) the times at which the meetings of the safety committee are held shall be compatible with the efficient operation of the factory or other premises concerned.

(8) In case the number of persons employed for the time being at a premises to which this section applies is not a multiple of twenty, then for the purposes of this section the number of persons who are for the time being so employed shall be deemed to be the next highest number which is a multiple of twenty.

(9) This section applies to any premises which are premises to which *section 15* of this Act applies.

38.—(1) Where for a period of six months neither a safety representative nor a safety committee stands appointed under *section 36* or *37* of this Act as regards a factory or other premises, then the relevant occupier shall, as soon as may be, and in any case not later than one month after the expiration of the said period, appoint from amongst the persons employed in the factory or other premises—

Safety representative or safety committee to be appointed by occupier in certain circumstances.

(a) in case when the appointment is made there are not more than twenty persons employed in the factory or other premises, a safety representative,

(b) in any other case, a safety committee and safety delegate (which delegate shall be appointed from amongst the members of such committee).

(2) Before making an appointment under this section the occupier concerned shall afford to the persons employed in the relevant factory or other premises an opportunity for consultation regarding the appointment.

(3) Subject to *section 37 (3)* of this Act, a safety representative appointed under this section shall, unless he sooner resigns, or ceases to be an employee in the factory or other premises concerned, hold office for a period of three years beginning on the date of his appointment.

(4) (a) Where a safety committee is appointed under this section,

the number of members of the committee, shall be fixed, in accordance with *section 37 (1) (b)* of this Act by the occupier by whom the members of the committee are appointed at the time when the appointments are made.

(b) Each member of a safety committee which is appointed under this section shall be appointed on the same day and shall hold office during the period of three years beginning on that day.

(5) (a) Where a vacancy (in this subsection referred to as "a casual vacancy") occurs among the members of a safety committee appointed under this section by reason of the death or resignation from the committee of a member or by reason of the application to him of *section 37 (4) (d)* of this Act as extended by *subsection (8)* of this section, the relevant occupier shall, as soon as may be, appoint a person to fill the vacancy.

(b) A person appointed to fill a casual vacancy shall, unless he sooner resigns from the safety committee concerned or ceases to be a member of such committee by reason of *section 37 (4) (d)* of this Act as extended by *subsection (8)* of this section, hold office for the remainder of the term of office of the member occasioning the vacancy.

(6) Any person who fails to comply with the requirements of *subsection (1)* of this section shall be guilty of an offence.

(7) In any proceedings for an offence under this section it shall be a defence for the accused to prove that he used all due diligence and took reasonable steps to comply with the requirement.

(8) References in this Act to a safety representative, a safety committee or a safety delegate, other than references to a safety committee in *subsection (1)* or (2) of *section 37*, shall be construed as including references to a safety representative, safety committee or safety delegate appointed pursuant to this section.

Minister may cause certain investigations to be carried out on receipt of request from safety representative, safety committee or safety officer.

39.—Where the Minister, having received a request in that behalf from a safety representative, a safety committee or a safety officer, considers it appropriate, he may cause an investigation to be carried out by an inspector as regards a danger or potential danger to the safety, health or welfare of persons employed in the relevant factory or specified premises which the safety representative, safety committee or safety officer believes to exist and specifies in the request, and when completed the Minister may, if he thinks fit, communicate the outcome of the investigation to the person or committee by whom the request was made.

Safety statements.

40.—(1) (a) The occupier of a premises to which this section applies shall, as soon as may be, prepare or cause to be prepared a statement in writing specifying the manner in which the safety and health of persons employed in the premises will be secured, and without prejudice to the generality of the foregoing, the statement shall specify the arrangements for safeguarding the safety and health of such persons, the co-operation required from such persons as regards safety and health, the duties of safety officers (if any), any safety training facilities which are available and the measures to be taken in relation to dangers so specified arising in relation to the premises or in relation to risks of such danger, and the statement shall also include any information required by regulations under this section which are for the time being in force.

- (b) A statement prepared in pursuance of *paragraph (a)* of this subsection shall if necessary be revised from time to time.
- (2) The Minister may by regulations require that information regarding matters specified in the regulations shall be included in statements prepared pursuant to *subsection (1)* of this section.
- (3) As soon as may be after a statement is prepared or revised by him pursuant to this section the occupier concerned shall give a copy of the statement or revision, or cause it to be given, to—
- 10 (a) in case there is a safety representative for the premises concerned, that person,
- (b) in case there is a safety committee for such premises, that committee,
- 15 (c) in case there is neither such a representative nor such a committee, to every person employed in the premises.
- (4) (a) Where a statement is prepared pursuant to this section and the Minister is not satisfied that the statement is adequate for the purposes of this section (and whether or not the statement has been revised), the Minister may direct that the statement be revised in a manner specified in the direction, and in case the Minister gives a direction under this subsection he shall as soon as may be cause a copy thereof to be served on the occupier of the premises to which the direction relates, and the occupier shall comply with the direction not later than one month after the date of the direction or such later date as may be specified in the direction.
- 20 (b) The Minister may, if he thinks fit, cancel a direction given by him under this subsection.
- (5) Where a statement is prepared or revised pursuant to this section, then the occupier concerned shall ensure that a copy of the statement or revision is attached to the general register of the premises concerned, and a copy of the statement (as revised, where this is appropriate) shall be given to an inspector on a request being
- 25 made by him in that behalf.
- (6) (a) This section applies to any premises in which more than twenty persons are employed for the time being, and which is a premises to which *section 26* of this Act applies.
- 40 (b) Where the Minister is satisfied that any manufacture, machinery, plant, equipment or appliance is of such a nature as is likely to cause risk of bodily injury to persons employed, he may by regulations apply this section to any factory or other premises in which the manufacture, machinery, plant, equipment or appliance is used and which apart from the regulations would not be a premises to which this section applies.
- 45 (7) The Minister may by regulations exempt from the provisions of this section factories or other premises of a prescribed class or description and such exemption may be absolute or subject to conditions.

PART IV

MISCELLANEOUS AMENDMENTS OF PRINCIPAL ACT

- 50 41.—(1) Section 2 (1) of the Principal Act is hereby amended by—
- 55 (a) the substitution in the definition of “work of engineering”

Amendment of sections 2 and 3 of Principal Act.

construction” for “include such other works as may be prescribed” of—

“include—

(a) except where carried out in the course of a building operation or on a railway or tramway : 5

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

(A) a steel or reinforced concrete structure or a similar structure, 10

(B) a road,

(C) an airfield,

(D) any sea defence works or river works,

(E) any other works which are similar to any of the foregoing, 15

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

(A) a pipe-line for conveying any solid, liquid or gas, 20

(B) an underground electricity or telecommunications cable system, 25

(b) such other works as may be prescribed, other than works carried out in a factory or on premises to which this Act applies by virtue of section 83 (1)”; 25

(b) the substitution for the definition of “young person” of “‘young person’ means a person whose age is less than eighteen years and who has reached the age at which the School Attendance Act, 1926, ceases to apply;”;

and the said definition of “work of engineering construction”, as amended by paragraph (a) of this subsection is set out in the Table to this section. 30

(2) Section 3 of the Principal Act is hereby amended by the insertion of the following subsection after subsection (9):

“(10) Premises belonging to or in the occupation of An Comhairle Oiliúna shall not be regarded as not being a factory for the purposes of this Act either by reason only that they so belong or are so occupied or by reason only that the work carried on thereat is not carried on by way of trade or for purposes of gain.”. 40

TABLE

“work of engineering construction” means the construction of any railway line or siding otherwise than upon an existing railway, and the construction, structural alteration or repair (including re-pointing and re-painting) or the demolition of any dock, harbour, inland navigation, tunnel, bridge, viaduct, waterworks, reservoir, pipe-line, aqueduct, sewer, sewage works or gasholder, except where carried out upon a railway or tramway, and shall include— 45

(a) except where carried out in the course of a building operation or on a railway or tramway : 50

(i) the construction, structural alteration or the repair 55

- (including re-pointing and re-painting) or demolition of any of the following:
- (A) a steel or reinforced concrete structure or a similar structure,
 - 5 (B) a road,
 - (C) an airfield,
 - (D) any sea defence works or river works,
 - 10 (E) any other works which are similar to any of the foregoing,
- 10 (ii) the construction (whether by laying or otherwise), the structural alteration, the repair (including re-painting) or the demolition of,
- (A) a pipe-line for conveying any solid, liquid or gas,
 - 15 (B) an underground electricity or telecommunications cable system,
- (b) such other works as may be prescribed other than works carried out in a factory or on premises to which this Act applies by virtue of section 83 (1).

20 42.—Section 37 of the Principal Act, as amended by section 12 of this Act, shall apply to premises described in section 83 of the Principal Act (which applies certain provisions of that Act to certain electrical stations) as if the premises were a factory.

Application of section 37 of Principal Act to certain electrical stations.

25 43.—(1) Section 39 (3) of the Principal Act is hereby amended by—

Amendment of sections 39, 72 and 85 of Principal Act.

(a) the substitution of “gas, vapour or liquid” for “gas or vapour” in each place where it occurs in subsection (3); and the said subsection (3), as so amended, is set out in paragraph 1 of the Table to this section,

30 (b) the substitution of the following subsection for subsection (4):

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

35 (2) Section 72 of the Principal Act is hereby amended by—

40 (a) the substitutions in both subsections (2) and (3) of “the State Chemist or a person who is for the time being approved for the purposes of this section by the Minister” for “the State Chemist”, and

(b) the insertion of “, other than the Minister,” before “the results” in subsection (4),

45 and the said subsections (2) and (3), as so amended, and the said subsection (4), as amended by this subsection and by section 57 (1) (d) of this Act, are set out in paragraphs 2, 3 and 4, respectively, of the Table to this section.

(3) Section 85 (2) of the Principal Act is hereby amended by the substitution of “subsection (2)” for “subsection (3)”.

TABLE

50 1. Where any part of a plant contains any explosive or inflammable gas, vapour or liquid under pressure greater than

atmospheric pressure, that part shall not be opened, except in accordance with the following provisions—

(a) before the fastening of any joint of any pipe connected with the part of the plant or the fastening of the cover of any opening into the part is loosened, any flow of the gas, vapour or liquid into the part or into any such pipe shall be effectively stopped by a stop-valve or otherwise, 5

(b) before any such fastening as aforesaid is removed, all practicable steps shall be taken to reduce the pressure of the gas, vapour or liquid in the pipe or part of the plant to atmospheric pressure, 10

and if any such fastening has been loosened or removed as aforesaid, no explosive or inflammable gas, vapour or liquid shall be allowed to enter the pipe or part of the plant until the fastening has been secured, or, as the case may be, securely replaced. 15

2. The occupier or the foreman or other responsible person referred to in subsection (1) of this section may, at the time when a sample is taken under this section, and on providing the necessary appliances, require the inspector to divide the sample into three parts, to mark and seal or fasten up each part in such manner as its nature permits, and— 20

(a) to deliver one part to the occupier, or the foreman or other responsible person, 25

(b) to retain one part for future comparison,

(c) to submit one part to the analyst.

and any analysis under this section shall, if so required, be carried out by or under the direction of the State Chemist or a person who is for the time being approved for the purposes of this section by the Minister. 30

3. A certificate purporting to be a certificate by the State Chemist or a person who is for the time being approved for the purposes of this section by the Minister as to the result of an analysis of a sample under this section shall in any proceedings under this Act be admissible as evidence of the matters stated therein, but either party may require the person by whom the analysis was made to be called as a witness. 35

4. It shall not be lawful for any person, except in so far as is necessary for the purposes of a prosecution for an offence under this Act, to publish or disclose to any person, other than the Minister, the results of an analysis made under this section, and if any person acts in contravention of this subsection, he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding three hundred pounds. 40 45

44.—(1) Subject to subsection (2) of this section, where a person undertakes building operations or works of engineering construction to which by virtue of section 88 or 89 of the Principal Act provisions of that Act apply, then any person, other than the first-mentioned person or an employee of the first-mentioned person, who designs and controls or directs the operations or works, or supervises the manner in which or the method by which the operations or works are carried out, shall be deemed for the purposes of the said provisions, in their application to the operations or works, to be the occupier of a factory. 50 55

Extension of sections 88 and 89 of Principal Act.

(2) In applying by virtue of subsection (1) of this section provisions of the Principal Act requiring general registers to be kept and copies of the prescribed abstract referred to in section 120 (1) (a) of the Principal Act, as amended by section 47 of this Act, and of special regulations or the prescribed abstract of such regulations to be kept posted up, for the purposes of this section the provisions shall be deemed to be complied with in relation to a particular case if as regards that case they may be deemed under section 88 or 89 of the Principal Act to have been complied with.

45.—For the avoidance of doubt it is hereby declared that section 111 of the Principal Act shall apply, and shall be deemed always to have applied, to the Minister.

Amendment of section 111 of Principal Act.

46.—Section 112 of the Principal Act is hereby amended by the substitution of “not a child to whom the School Attendance Act, 1926, applies” for “more than fourteen years of age” in subsection (2), and the said subsection (2), as so amended, is set out in the Table to this section.

Amendment of section 112 of Principal Act.

TABLE

Where, in any proceedings under this Act with respect to a person alleged to be a young person, the court considers that such person is apparently less than eighteen and not a child to whom the School Attendance Act, 1926, applies, it shall lie on the defendant to prove that such person is not a young person.

47.—Subsection (1) of section 120 of the Principal Act is hereby amended by the addition of “as amended or extended by any other enactment,” to paragraph (a),

Amendment of section 120 of Principal Act.

and the said subsection (1), as so amended, is set out in the Table to this section.

TABLE

There shall be kept posted at the principal entrances of a factory at which employed persons enter—

(a) the prescribed abstract of this Act, as amended or extended by any other enactment,

(b) a notice of the name of the certifying doctor for the factory,

(c) every notice and document required by this Act to be posted in the factory,

but, where an inspector directs that all or any of the aforesaid documents shall be posted in particular parts of the factory, either in addition to or in substitution for the said principal entrances, his direction shall be complied with.

48.—For the purpose of metrically converting, or providing equivalent metric measurements for, certain imperial measurements and other measurements specified in the Principal Act, the amendments specified in the Schedule to this Act shall have effect.

Metric conversion of, or provision of metric equivalents for, certain imperial measurements specified in Principal Act.

49.—The Third Schedule to the Principal Act is hereby amended by the insertion of the following paragraph after paragraph 3:

Amendment of Third Schedule to Principal Act.

“3A. Where the Minister amends a draft of proposed special regulations and the amendment or each of the amendments, as the case may be, is a correction of a formal nature, the provisions of paragraph 3 of this Schedule requiring an amended

draft to be dealt with in like manner as an original draft shall not apply in relation to that draft.”.

PART V

MISCELLANEOUS

Chairman of
Advisory Council.

50.—The chairman of the Advisory Council established by section 127 of the Principal Act shall be paid such remuneration and allowances as may be determined by the Minister with the consent of the Minister for the Public Service.

Industrial
Medical Adviser.

51.—(1) Subject to subsection (2) of this section, the Minister may designate one of his officers who is a registered medical practitioner or some other registered medical practitioner to advise him professionally in relation to his functions under the Acts and a person designated pursuant to this section shall be known, and is in this section subsequently referred to, as “the Industrial Medical Adviser”.

(2) A person shall not be designated under subsection (1) of this section unless the Minister is satisfied that prior to the designation he has specialised and has had experience in occupational medicine.

(3) (a) The Minister may by a direction in writing direct that the person who is for the time being the Industrial Medical Adviser shall have all the powers of an inspector for the purposes of the Acts and in case the Minister so directs, then for so long as the direction is in force, references in the Acts, other than in section 95 of the Principal Act, to an inspector shall be construed as including a reference to the Industrial Medical Adviser.

(b) In case the Minister gives a direction under this subsection, the Industrial Medical Adviser shall be furnished with a certified copy of the direction, and when visiting a factory or a place to which any of the provisions of this Act apply, shall, if so required, produce the document to the occupier or any other person holding a responsible position of management at the factory or place.

(4) Subsection (2) of section 93 of the Principal Act shall apply to a direction under this section as it applies to an authorisation under that section.

(5) It shall be the duty of the Industrial Medical Adviser, on behalf of the Minister, to accept and keep custody of any notice, report or certificate required by the Acts or by regulations under the Acts to be sent to the Minister by a registered medical practitioner.

(6) The Industrial Medical Adviser may invite any person, who, in his opinion, either has been or may be exposed in the course of his employment in a factory or specified premises to any risk of bodily injury or other danger to his health to be medically examined, at such place as he shall designate, either by him or by such certifying doctor or other registered medical practitioner as he shall specify.

(7) Where the Industrial Medical Adviser is appointed to be a certifying doctor for the purposes of the Acts, no fee shall be payable to him as regards the carrying out of his duties as such doctor.

Certain medical
practitioners
enabled to issue
certificates of
fitness under
section 80 of
Principal Act.

52.—Subsection (1) of section 80 of the Principal Act is hereby amended by the insertion of “, or by a registered medical practitioner approved for the purposes of this section by the Minister,” after “the certifying doctor”.

and the said subsection (1), as so amended, is set out in the Table to this section.

TABLE

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

10 53.—(1) Subject to subsection (2) of this section, the fee payable to medical practitioners under section 76 of the Principal Act (which requires medical practitioners to notify the Minister of industrial diseases) shall be a fee of one pound, and, accordingly, subsection (1) of the said section 76 shall be construed and have effect as if the reference therein to "two shillings and sixpence" were a reference to "one pound".

Fee payable to medical practitioners under section 76 of Principal Act.

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

25 54.—Where an inspector enters a factory pursuant to section 94 of the Principal Act and it appears to him to be necessary for the purpose of carrying any provision of the Acts into effect, he may do any or all of the following namely,

Powers of inspectors to take samples, etc.

(a) take a sample of the atmosphere in any part of the factory,

30 (b) as regards any article or substance he finds in the factory, require the occupier or any person he finds in the factory or a person appearing to him to be in possession of the article or substance, to supply without payment, for test, examination or analysis, a sample thereof,

35 (c) take any measurement or photograph or make any tape or other electrical recording which he considers necessary for the purposes of any inspection, examination or inquiry made by him under the said section 94, and in case of a failure to comply with a requirement made under this section, the inspector concerned may take without payment for test, examination or analysis, a sample of the article or substance in relation to which the requirement was made.

55.—Where—

Certain publications privileged.

(a) a prohibition notice is served, or

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

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

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

the Minister may in his absolute discretion publish the service or other fact or matter to a person who as regards the factory or specified premises concerned is for the time being a safety representative, safety delegate, a member of a safety committee or a safety officer, and in case such service, fact or matter is so published by the Minister, 5 the publication shall enjoy qualified privilege.

Prosecution of offences.

56.—Notwithstanding section 10 (4) of the Petty Sessions (Ireland) Act, 1851, proceedings for any offence under this Act or the Principal Act may be instituted at any time within one year after the date of the offence. 10

Penalties for offences under Principal Act increased.

57.—(1) Subject to *subsection* (3) of this section, the following provisions shall have effect:

(a) the maximum penalty for an offence under section 74 (3), 76 (2), 76 (5), 91 (5) or 102 of the Principal Act shall be a fine of £15, and, accordingly, each of those sections 15 shall be construed and have effect as if the reference therein to five pounds were a reference to £15,

(b) the maximum penalty for an offence under section 40 (14) of the Principal Act shall be a fine of £150, and, accordingly, that section shall be construed and have effect as if 20 the reference therein to fifty pounds were a reference to £150,

(c) the maximum penalty for an offence under section 45 (2) of the Principal Act shall be a fine of—

(i) in the case of the offence first mentioned in that 25 section, £150, and

(ii) in the case of the offence secondly mentioned in that section, £30,

and, accordingly, that section shall be construed and have effect as if the references therein to fifty pounds and 30 ten pounds were references to £150 and £30, respectively,

(d) the maximum penalty for an offence under section 72 (4) of the Principal Act shall be a fine of £300, and, accordingly, that section shall be construed and have effect as if the 35 reference therein to one hundred pounds were a reference to £300,

(e) the maximum penalty for an offence under section 78 (2) (g) of the Principal Act shall be a fine of,

(i) in the case of the offence first mentioned in that 40 section, £60, and

(ii) in the case of the offence secondly mentioned in that section, £30,

and, accordingly, that section shall be construed and have effect as if the references therein to twenty pounds and 45 ten pounds were references to £60 and £30, respectively,

(f) the maximum fine which may be imposed as a penalty for an offence under section 98 (5) of the Principal Act shall be £300, and, accordingly, that section shall be construed and have effect as if the reference therein to one hundred 50 pounds were a reference to £300,

(g) the maximum penalty for an offence under section 103 (1) of the Principal Act shall be a fine of £500, and, accordingly, the reference in that section to two hundred pounds shall be construed as a reference to £500,

(h) the maximum penalty for an offence under section 104 of 55 the Principal Act shall be a fine of £6, and, accordingly, that section shall be construed and have effect as if the reference therein to two pounds were a reference to £6,

5 (i) the maximum fine which may be imposed as a penalty for an offence under section 105 of the Principal Act shall be £150, and, accordingly, that section shall be construed and have effect as if the reference therein to forty pounds were a reference to £150,

10 (j) the maximum penalty for an offence under section 119 (1) of the Principal Act shall be a fine of £30, or a fine of £3 for each day since the expiration of the month described in that section, whichever is the greater, and, accordingly, that section shall be construed and have effect as if the references therein to ten pounds and one pound were references to £30 and £3, respectively, and

15 (k) the maximum penalty for an offence under section 120 (3) of the Principal Act shall be a fine of £30, and, accordingly, that section shall be construed and have effect as if the reference therein to ten pounds were a reference to £30.

(2) Section 101 of the Principal Act is hereby amended by the substitution of "one hundred pounds" and "ten pounds" for "twenty pounds" and "five pounds", respectively,

20 and the said section 101, as so amended, is set out in the Table to this subsection.

TABLE

25 Subject as hereinafter in this Act provided, any person guilty of an offence under this Act for which no express penalty is provided by this Act shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds, and, if the contravention in respect of which he was so convicted is continued after the conviction, he shall (subject to section 102 of this Act) be guilty of a further offence and liable on summary conviction 30 thereof to a fine not exceeding ten pounds for each day on which the contravention was so continued.

35 (3) (a) The Minister may for any amount specified in any section of this Act, or in any section of the Principal Act which is mentioned in *paragraph (b)* of this subsection, by order substitute as a maximum fine a greater amount specified in the order, and in case an order under this subsection is for the time being in force, the section or sections of the Principal Act, as the case may be, to which the order relates shall be construed and have effect in accordance with the order.

40 (b) The sections of the Principal Act referred to in *paragraph (a)* of this subsection are the following (as amended by this section), namely, sections 40 (14), 45 (2), 72 (4), 74 (3), 76 (2), 76 (5), 78 (2), 91 (5), 98 (5), 101, 102, 103 (1), 104, 105, 119 (1) and 120 (3).

45 (4) The Minister may by order revoke an order under this section and *section 4 (4)* of this Act shall apply to any order intended to be made under this section as it applies to an intended order under that section.

50 SCHEDULE

Section 48.

AMENDMENT OF PRINCIPAL ACT (METRIC CONVERSION OR PROVISION OF METRIC EQUIVALENTS FOR CERTAIN IMPERIAL AND OTHER MEASUREMENTS)

The Principal Act shall be amended in accordance with the 55 following provisions of this Schedule:

1. In both subsections (2) and (4) of section 11 "11.3 cubic metres (400 cubic feet)" is hereby substituted for "four hundred cubic feet".

2. In section 11 (4) "7.1 cubic metres (250 cubic feet)" is hereby 60 substituted for "two hundred and fifty cubic feet".

3. In section 12 (2) "15.56 degrees Celsius (60 degrees Fahrenheit)" is hereby substituted for "sixty degrees".
4. In section 30 (1) "457.2 millimetres (18 inches)" is hereby substituted for "eighteen inches".
5. In section 30 (2) "304.8 millimetres (12 inches)" is hereby substituted for "twelve inches".
6. In paragraph (f) of section 34 (1) "12.7 millimetres ($\frac{1}{2}$ inch)" is hereby substituted for "half-inch".
7. In section 35 (7) "6.096 metres (20 feet)" is hereby substituted for "twenty feet". 10
8. In section 40 (1) (a) (iv) "2.7 Bars (40 lbs per square inch)" is hereby substituted for "forty pounds per square inch".
9. In section 44 (7) "141.58 cubic metres (5,000 cubic feet)" is hereby substituted for "five thousand cubic feet".
10. In both subsection (18) (c) and subsection (19) (a) of section 45 "6.096 metres (20 feet)" is hereby substituted for "twenty feet". 15
11. In section 63 (2) (b) "22.5 degrees Celsius ($72\frac{1}{2}$ degrees Fahrenheit)" and "26.7 degrees Celsius (80 degrees Fahrenheit)" are hereby substituted for "seventy-two and a half" and "eighty", respectively. 20
12. In section 63 (2) (d) "15.56 degrees Celsius (60 degrees Fahrenheit)" is hereby substituted for "sixty degrees".
13. In section 63 (4) "2.2 degrees Celsius (4 degrees Fahrenheit)" is hereby substituted for "four degrees".
14. In the definition of "basement bakehouse" contained in section 65 (4) "914.4 millimetres (3 feet)" is hereby substituted for "three feet". 25
15. The following entry is hereby substituted for the entry contained in the Second Schedule :

" TABLE OF HUMIDITY

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

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do dhéanamh socrúithe breise le sábháilteacht, sláinte agus leas daoine ag obair a áirithiú, do leasú an Achta Monarchan, 1955, agus do dhéanamh socrúithe eile a bhaineann leis na nithe réamhráite.

*An tAire Saothair a thíolaic,
30 Márta, 1978*

BILL

(as initiated)

entitled

An Act to make further provisions for securing the safety, health and welfare of persons at work, to amend the Factories Act, 1955, and to make other provisions connected with the matters aforesaid.

*Presented by the Minister for Labour,
30th March, 1978*

BAILE ÁTHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR.

Le ceannach díreach ón Oifig Díolta Foilseachán Rialtais, An Stuaara, Ard Oifig an Phoist, Baile Átha Cliath, nó trí aon díoltóir leabhar.

Cló-bhuailte ag CAHILL (1976) LIMITED.

50p

DUBLIN:
PUBLISHED BY THE STATIONERY OFFICE.

To be purchased through any bookseller, or directly from the Government Publications Sale Office, G.P.O. Arcade, Dublin.

Printed by CAHILL (1976) LIMITED.

50p