# Factories Act (Northern Ireland) 1965

**1965 CHAPTER 20**

An Act to consolidate the Factories Acts (Northern Ireland) 1938 to 1959, and certain other enactments relating to the safety, health and welfare of employed persons. [4th November 1965]

## PART I

HEALTH (GENERAL PROVISIONS)

*Ss. 1#7 rep. by SR 1993/37*

*S. 8 rep. by SR 1985/103*

*Ss. 9, 10 rep. by SRO (NI) 1973/211; SR 1979/246*

### [F1 10A Medical examinations of persons employed in factories.

(1) If an employment medical adviser is of opinion that there ought, on grounds mentioned in subsection (2), to be a medical examination of a person or persons employed in a factory, he may serve on the occupier of the factory a written notice stating that he is of that opinion and requiring that the occupier shall permit a medical examination in accordance with this section of the person or persons in question, and the examination shall be permitted accordingly.

(2) The grounds on which a medical examination of a person may be required by an employment medical adviser's notice under subsection (1) are that (in the adviser's opinion) the person's health has been or is being injured, or it is possible that it has been, is being or will be injured, by reason of the nature of the work he is or has been called upon to do or may (to the adviser's knowledge) be called upon to do; and a notice under that subsection may be given with respect to one or more named persons or to persons of a class or description specified in the notice.

(3) A notice under subsection (1) shall name the place where the medical examination is to be conducted and, if it is a place other than the factory, the day on which and the time at which it is to be begun; and

***Changes to legislation:** There are currently no known outstanding effects for the Factories Act (Northern Ireland) 1965. (See end of Document for details)*

(a) every person to whom the notice relates shall be informed, as soon as practicable after service thereof, of the contents thereof and of the fact that he is free to attend for the purpose of submitting to the examination; and

(b) if the notice states that the examination is to be conducted at the factory, suitable accommodation thereat shall be provided for the conduct of the examination.

(4) A medical examination conducted in pursuance of a notice under subsection (1) shall be begun within seven days after the day on which the notice is served and shall be conducted by, or in accordance with arrangements made by, an employment medical adviser, and take place at a reasonable time during working hours.

(5) An employment medical adviser may, by written notice served on the occupier of a factory, cancel a notice served on the occupier under subsection (1); and a notice which relates to two or more named persons may be cancelled either in relation to them all or in relation to any one or more of them.

(6) In this section, "medical examination" includes pathological, physiological and radiological tests and similar investigations.]

**F1** 1978 NI 9

## 11 Provisions as to workplaces.

(1) The provisions of section 107 of the Public Health (Ireland) Act 1878 with respect to a factory, workshop or workplace not being kept in a cleanly state or not ventilated, or overcrowded, and the provisions of section 22 of the Public Health Acts Amendment Act 1890 relative to sanitary conveniences in certain buildings shall not apply to any factory to which the foregoing provisions of this Part of this Act apply, but [F2, subject to section 72 of the Office and Shop Premises Act (Northern Ireland) 1966 M1,] shall apply to any workplace which is not a factory within the meaning of this Act.

(2) Every workplace within the meaning of the Public Health (Ireland) Act 1878, which is not a factory to which the foregoing provisions of this Act apply, [F2 or premises to which the Office and Shop Premises Act (Northern Ireland) 1966 applies] must be kept free from noxious effluvia and, unless so kept, shall be deemed to be a nuisance liable to be dealt with summarily under the law relating to public health.

(3) For the purpose of their duties with respect to such workplaces as aforesaid a [F3 district council and such officers as it may authorise] shall, without prejudice to their other powers, have such powers of entry, inspection, taking legal proceedings or otherwise as an inspector …F4.

**F2** 1966 c.26 (NI)
**F3** SRO (NI) 1973/211
**F4** SR 1979/246

**Marginal Citations**
**M1** 1966 c. 26

***Changes to legislation:** There are currently no known outstanding effects for the Factories Act (Northern Ireland) 1965. (See end of Document for details)*

### [F5 12 Power to require medical supervision.

(1) Where it appears to the Ministry—

(a) that in any factory or class or description of factory—

(i) cases of illness have occurred which it has reason to believe may be due to the nature of a process or other conditions of work; or

(ii) by reason of changes in any process or in the substances used in any process, or by reason of the introduction of any new process or new substance for use in a process, there may be risk of injury to the health of persons employed in that process; or

*Head (iii) rep. by 1990 NI 2*

(b) that there may be risk of injury to the health of persons employed in a factory—

(i) from any substance or material brought to the factory to be used or handled therein; or

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

the Ministry may make special regulations requiring such reasonable arrangements to be made for the medical supervision (not including medical treatment other than first-aid treatment and medical treatment of a preventive character) of the persons, or any class of the persons, employed at that factory or class or description of factory as may be specified in the regulations.

(2) Where the Ministry proposes to exercise its powers under this section in relation to a particular factory and for a limited period, it may exercise those powers by order instead of by special regulations, and any such order shall, subject to subsection (3), cease to have effect at the expiration of such period not exceeding six months from the date when it comes into operation as may be specified in the order.

(3) The Ministry may by subsequent order or orders extend the said period, but if the occupier of the factory by notice in writing to the Ministry objects to any such extension, the original order shall cease to have effect as from one month after the service of the notice, without prejudice to the making of special regulations in relation to the factory.]

**F5** SR 1979/246

## PART II

SAFETY (GENERAL PROVISIONS)

*Ss. 13#18 rep. by SR 1993/19*

*S. 19 rep. by SR 1993/37*

*S. 20 rep. by SR 1993/19*

*Ss. 21, 22 rep. by SR 1997/387*

*Ss. 23, 24 rep. by SR 1999/304*

*S. 25 rep. by SR 2005/279*

*Ss. 26#28 rep. by SR 1999/304*

*Ss. 29, 30 rep. by SR 1993/37*

*S. 31 rep. by SR 1999/13*

*S. 32 rep. by SR 2003/152*

*Ss. 33, 34 rep. by SR 1991/471*

*S. 35 rep. by SR 2004/222*

*Ss. 36, 37 rep. by SR 1991/471*

*Ss. 38, 39 rep. by SR 2004/222*

**40 Precautions as respects water-sealed gasholders.**

(1) Every gasholder shall be of sound construction and shall be properly maintained.

F6(2) . . . . . .

(3) In the case of a gasholder of which any lift has been in use for more than twenty years, the internal state of the sheeting shall, at least once in every period of ten years, be examined by a competent person by cutting samples from the crown and sides of the holder or by other sufficient means, and all samples so cut and a report on every such examination signed by the person making it shall be kept available for inspection.

(4) A record signed by the occupier of the factory or by a responsible official authorised in that behalf showing the date of the construction, as nearly as it can be ascertained, of the oldest lift of every gasholder in the factory shall be kept available for inspection.

(5) Where there is more than one gasholder in the factory, every gasholder shall be marked in a conspicuous position with a distinguishing number or letter.

(6) A gasholder shall not be repaired or demolished except under the direct supervision of a person who, by his training and experience and his knowledge of the necessary precautions against risks of explosion and of persons being overcome by gas, is competent to supervise such work.

(7) In this section "gasholder" means a water-sealed gasholder which has a storage capacity of not less than**[**F7 140 cubic metres**]**.

**F6** S. 40(2) repealed (1.6.2015) by The Health and Safety (Miscellaneous Repeals, Revocations and Amendments) Regulations (Northern Ireland) 2015 (S.R. 2015/223), reg. 1(1), **Sch.** Table 1

**F7** SR 1984/283

*Ss. 41#52 rep. by SR 1986/350*

*Ss. 53#55 rep. by SR 1979/246*

## PART III

WELFARE (GENERAL PROVISIONS)

*Ss. 56#59 rep. by SR 1993/37*

***Changes to legislation:** There are currently no known outstanding effects for the Factories Act (Northern Ireland) 1965. (See end of Document for details)*

*S. 60 rep. by SR 1982/429*

*S. 61 rep. by SR 1979/246*

## PART IV

HEALTH, SAFETY AND WELFARE (SPECIAL PROVISIONS AND REGULATIONS)

SPECIAL PROVISIONS

*Ss. 62, 63 rep. by SR 1990/374*

*S. 64 rep. by SR 1993/20*

*S. 65 rep. by SR 1979/246*

*S. 66 rep. by SR 1990/374*

### 67 Humid factories.

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

(2) The following provisions of this section shall have effect with respect to every humid factory with respect to which regulations under this Act concerning humidity are not for the time being in force.

**[**F8(2A) In this section—

"dry bulb temperature" means the temperature measured by an accurate and properly maintained thermometer (which may form part of the hygrometer) and any reference in this section to a dry bulb thermometer, or without qualification to a thermometer, shall be taken to be a reference to such a thermometer and a reference without qualification to temperature shall be taken to be a reference to the dry bulb temperature;

"hygrometer" means an accurate and properly maintained and calibrated instrument for the measurement of the relative humidity in the workplace;

"wet bulb temperature" means either—

(a) the temperature indicated by the wet bulb of a static hygrometer which relies on natural circulation of air around the thermometers; or

(b) the temperature calculated from the dry bulb temperature and relative humidity by the method approved for the time being by**[**F9 the Health and Safety Executive for Northern Ireland**]**,

and any reference in this section to the reading of the wet bulb thermometer shall be treated as a reference to the wet bulb temperature.**]**

(3) There shall be provided and maintained in every room in which artificial humidity is produced two hygrometers**[**F8 and a thermometer close to each hygrometer**]**F8. . . , and—