1966. No. 311 [C]

FACTORIES

Power Presses

REGULATIONS, DATED 29TH DECEMBER 1966, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER THE FACTORIES ACT (NORTHERN IRELAND) 1965.

The Ministry of Health and Social Services for Northern Ireland in exercise of powers conferred by sections 75 and 179(3) and (4) of the Factories Act (Northern Ireland) 1965(a), and of all other powers in that behalf, hereby makes the following special Regulations:—

Citation and Commencement

1. These Regulations may be cited as the Power Presses Regulations (Northern Ireland) 1966, and shall come into operation on 2nd October 1967.

Interpretation

2. For the purposes of these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

"approved" means approved for the time being by certificate of the Chief Inspector;

"clutch mechanism" means in relation to a power press a device designed to impart when required the movement of the flywheel to any tool;

"factory" includes any premises to which these Regulations apply;

"fixed fencing" means fencing provided for the tools of a power press being fencing which has no moving parts associated with or dependent upon the mechanism of a power press and includes that part of a closed tool which acts as a guard;

"power press" means a press or a press brake which in either case is used wholly or partly for the working of metal by means of tools or for the purpose of die proving, being a press or a press brake which is power driven and which embodies a flywheel and a clutch mechanism;

"the principal Act" means the Factories Act (Northern Ireland) 1965 as amended by or under any other Act; and

"safety device" means the fencing and any other safeguard provided for the tools of a power press in pursuance of requirements imposed by or under the principal Act.

Application and operation of Regulations

3.—(1) Subject to paragraph (2), these Regulations apply to the following premises in which any power press is used, that is to say, all factories and all premises to which the provisions of the principal Act are applied by section 121(1) of that Act (which relates to electrical stations).

(2) Nothing in these Regulations shall apply as respects any power press when used for working hot metal or which is not being used for working cold metal and is intended next to be used for working hot metal.

(a) 1965. c. 20 (N.I.).

(3) The provisions of these Regulations are in addition to and not in substitution for or in diminution of other requirements imposed by or under the principal Act.

Appointment of persons to prepare power presses for use

4.—(1) Except as provided in paragraph (4), no person shall set, re-set, adjust or try out the tools on a power press or install or adjust any safety device thereon, being installation or adjustment preparatory to production or die proving, or carry out an inspection and test of any safety device thereon required by Regulation 7, unless he—

(*a*) has attained the age of eighteen;

(*b*) has been trained in accordance with the Schedule;

(*c*) is competent to carry out those duties; and

(*d*) has been appointed by the occupier of the factory to carry out those duties in respect of the class or description of power press or the class or description of safety device to which the power press or the safety device (as the case may be) belongs; and every such appointment shall be made by signed and dated entry in, or by signed and dated certificate attached to, a register kept for the purposes of this Regulation.

(2) Any appointment made under paragraph (1)(*d*) may be made in respect of all the duties specified in paragraph (1) or may be limited to certain of those duties, and where the said appointment is so limited, particulars of the limitation shall be set out in the entry or certificate (as the case may be) of the appointment. Every person appointed under the said paragraph (1)(*d*) shall be furnished by the occupier with a copy of the entry or certificate of his appointment and of any entry revoking the same.

(3) Any appointment made under paragraph (1)(*d*) may be revoked by the occupier at any time by signed and dated entry in the said register.

(4) Paragraph (1) shall not apply to and shall not prevent the employment on setting, re-setting, adjusting or trying out of the tools on a power press or on installing or adjusting as aforesaid a safety device thereon, or on the carrying out of an inspection and test of any safety device thereon required by Regulation 7, of a person who (whether or not he has attained the age of eighteen) is undergoing training (whether or not in accordance with the Schedule) for those duties or any of them and who is working under the immediate supervision of a competent person appointed under the said paragraph (1) in respect of the duties on which the first-mentioned person is employed, provided that an entry has been made in, or a certificate has been attached to, the register kept for the purposes of this Regulation, specifying that the said first-mentioned person is undergoing such training. Every such entry or certificate shall be signed by the said competent person and shall specify the date on which the entry was made or the certificate was given (as the case may be).

Examination and testing of power presses and safety devices

5.—(1) No power press or safety device shall be taken into use in any factory for the first time in that factory, or in the case of a safety device for the first time on any power press, unless it has been thoroughly examined and tested, in the case of a power press, after installation in the factory, or in the case of a safety device, when in position on the power press in connection with which it is to be used, by a competent person.

(2) No power press shall be used unless it has been thoroughly examined and tested by a competent person—

(*a*) in the case of a power press on which the tools are fenced exclusively by means of fixed fencing within the immediately preceding period of twelve months; or

(*b*) in any other case, within the immediately preceding period of six months.

(3) No power press shall be used unless every safety device (other than fixed fencing) thereon has within the immediately preceding period of six months when in position on that power press, been thoroughly examined and tested by a competent person.

(4) The competent person carrying out an examination and test under the foregoing provisions of this Regulation shall make a report of the examination and test in the approved form and containing the approved particulars and every such report shall within fourteen days of the completion of the examination and test be entered in or attached to a register kept for the purposes of this Regulation.

Defects disclosed during a thorough examination and test

6.—(1) Where any defect is disclosed in any power press or in any safety device by any examination and test under Regulation 5 and, in the opinion of the competent person carrying out the examination and test, either—

(*a*) the said defect is a cause of danger to employed persons and in consequence the power press or safety device (as the case may be) ought not to be used until the said defect has been remedied; or

(*b*) the said defect may become a cause of danger to employed persons and in consequence the power press or safety device (as the case may be) ought not to be used after the expiration of a specified period unless the said defect has been remedied,

such defect shall, as soon as possible after the completion of the examination and test, be notified in writing by the competent person to the occupier of the factory and, in the case of a defect falling within sub-paragraph (*b*) such notification shall include the period within which, in the opinion of the competent person, the defect ought to be remedied.

(2) Where any such defect is notified to the occupier in accordance with the foregoing provisions of this Regulation the power press or safety device (as the case may be) having the said defect shall not be used—

(*a*) in the case of a defect falling within paragraph (1)(*a*) until the said defect has been remedied; and

(*b*) in the case of a defect falling within paragraph (1)(*b*), after the expiration of the said specified period unless the said defect has been remedied.

(3) As soon as is practicable after any defect of which notification has been given under paragraph (1) has been remedied, a record shall be made by or on behalf of the occupier stating the measures by which and the date on which the defect was remedied. The said record, where practicable, shall be made in an approved form on the document containing the report of the examination and test under Regulation 5 during which the defect was disclosed, or, in any other case, shall be made in writing and attached as soon as is practicable to the said report.