

*THE FACTORIES ACT, 1974*  
ARRANGEMENT OF SECTIONS

*Section No.*

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## Section No.

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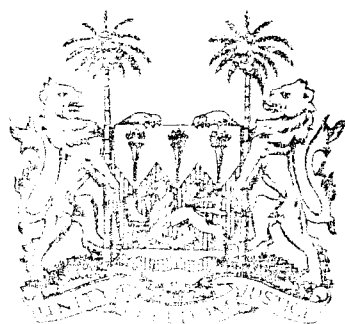
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SIGNED this 22nd day of May, 1974.

SIAKA STEVENS,  
*President*



No. 3



1974

Sierra Leone

## The Factories Act, 1974

Short title.

Being an Act to Consolidate and Amend the Law Relating to  
Factories

[30th May, 1974.] Date of com-  
mencement.

BE IT ENACTED by the President and Parliament in this present  
Parliament assembled, as follows:—

### PART I—APPLICATION OF ACT

1. Save as in this Act otherwise expressly provided, the  
provisions of this Act shall apply only to factories, as defined by  
this Act, but shall, except where the contrary intention appears,  
apply to all such factories.

General  
application  
of Act.

Application  
to factories  
belonging to  
Government.

2. This Act shall apply to factories belonging to or in the occupation of the State.

## PART II—INTERPRETATION

Interpre-  
tation of  
expression  
“factory”.

3. (1) Subject to the provisions of this section, the expression “factory” means any premises in which, or within the close or curtilage or precincts of which, persons are employed in manual labour in any process for or incidental to any of the following purposes, namely—

(a) the making of any article or of part of any article,  
or

(b) the altering, repairing, ornamenting, finishing,  
cleaning, or washing, or the breaking up or demo-  
lition of any article; or

(c) the adapting for sale of any article;

being premises in which, or within the close or curtilage or precincts of which, the work is carried on by way of trade or for purposes of gain and to or over which the employer of the persons employed therein has the right of access or control, and (whether or not they are factories by reason of the foregoing definition) the expression “factory” also includes the following premises in which persons are employed in manual labour, that is to say—

(i) any yard or dry dock (including the precincts thereof) in which ships or vessels are constructed, repaired, refitted, finished or broken up;

(ii) any premises in which the business of washing or filling bottles or containers or packing articles is carried on incidentally to the purposes of any factory;

(iii) any premises in which the construction, reconstruction or repair of locomotives, vehicles or other plant for the use of transport purposes is carried on as ancillary to a transport undertaking, not being any premises used for the purposes of housing locomotives or vehicles where only cleaning, washing, running repairs or minor adjustments are carried out;

(iv) any premises in which printing by letterpress, lithography, photography or other similar process, or bookbinding is carried on by way of trade or for purposes of gain or incidentally to another business so carried on;

24. (1) Sufficient and suitable sanitary conveniences for the persons employed in the factory shall be provided, maintained and kept clean, and effective provision shall be made for lighting the conveniences and, where persons of both sexes are or are intended to be employed (except in the case of factories where the only persons employed are members of the same family dwelling there), such conveniences shall afford proper separate accommodation for persons of each sex.

Sanitary conveniences.

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

25. Where an inspector finds any act or default in relation to any drain, sanitary convenience or water supply, or any nuisance which appears to him to be the concern of the local authority under any other enactment, he shall give notice thereof in writing to the local authority.

Duty of Inspector as to sanitary defects remediable by Local Authority.

#### PART VI—GENERAL

26. (1) There shall be kept posted in a prominent position in every factory—

Posting of abstract of Act, Regulations and Notices.

- (a) the prescribed abstract of this Act; and
- (b) a notice of the address of the Chief Inspector and of the nearest Inspector; and
- (c) printed copies of any Regulations made under any part of this Act which are for the time being in force in the factory; or the prescribed abstracts of such Regulations; and
- (d) every other notice and document required by this Act to be posted in the factory.

27. Every owner shall explain or caused to be explained to all illiterate persons employed on or about the machinery in the works such provisions of this Act or Rules made hereunder, as directly concern the work upon which they are engaged.

Illiterate Persons to be informed of Rules affecting them.

28. (1) There shall be kept in every factory a register, in the prescribed form, called the general register, and there shall be entered in or attached to that register—

General registers.

- (a) the certificate of registration of the factory; and
- (b) every other certificate issued in respect of the factory by the Chief Inspector under the provisions of this Act; and

- (c) the prescribed particulars as to the washing whitewashing or colour washing, painting or varnishing, of the factory; and
- (d) the prescribed particulars as to every accident and case of occupational disease occurring in the factory of which notice is required to be sent to an Inspector under the provisions of this Act and
- (e) all reports and particulars required by any other provision of this Act to be entered in or attached to the general register; and
- (f) such other matters as may be prescribed.

(2) The occupier of a factory shall send to an Inspector such extracts from the general register as the Inspector may from time to time require for the purpose of the execution of his duties under this Act.

(3) Every certificate of registration of a factory shall be displayed in a conspicuous place in the factory to which it relates and shall be opened to inspection by any Inspector having jurisdiction in the area in which the factory is situated.

Preservation  
of registers  
and records.

**29.** The general register and every other register or record kept in pursuance of this Act shall be preserved and shall be kept available for inspection by any Inspector for two years, or such shorter period, if any, as may be prescribed for any class or description of register or record, after the date of the last entry in the register or record.

Duties of  
persons em-  
ployed.

**30.** (1) No person employed in a factory or in any other place to which any provision of this Act applies shall wilfully interfere with or misuse any means, appliance, convenience or other thing provided in pursuance of this Act for securing the health, safety or welfare of the persons employed in the factory or place, and, where any means, appliances, convenience or other thing for securing health or safety is provided for the use of any such person under this Act, he shall use that means, appliance, convenience or other thing.

(2) No person employed in a factory (or in any other place to which any provisions of this Act apply shall wilfully and without reasonable cause do anything likely to endanger himself or any other person.

Responsibi-  
lity of ow-  
ner and en-  
gineer.

**31.** (1) Every owner shall be responsible that all reasonable precautions are taken to ensure the safety of persons employed at the works.

(2) Where an engineer has been placed in charge of machinery and boilers, he shall be responsible for compliance with this Act in so far as they affect the safety of persons, but the appointment of such a person shall not relieve the owner of any responsibility.

(3) Every such owner shall be responsible for ensuring that all safety appliances at the works are maintained in good working condition and properly used and shall stop the working of any machinery the using of which appears in any way to be or have become dangerous.

32. All machinery in each factory shall be in charge and under the supervision of competent persons.

Competent persons to be in charge of machinery.

33. No person having charge of any machinery which, for safety of limb or life, requires constant supervision shall for any reason whatever absent himself or cease to have continual supervision of such machinery during the periods for which he is in charge unless he be replaced by a competent person, nor shall any person in charge of such machinery be caused or allowed so to work for more than ten hours a day; provided that this limit may be exceeded where ordered by the owner in cases of emergency or where written permission in that behalf has been granted by an inspector.

Responsibility of person in charge of machinery.

34. The general charge of any machinery shall in no case be exercised by two or more engineers.

Joint charge not exercisable by two or more engineers.

35. The Minister may, on the advice of an Inspector require the owners of any factory to appoint one or more engineers, where in the opinion of the Inspector the size of the works, having regard to the number of places where machinery is erected, renders such appointment necessary and the owner shall, without unreasonable delay make such appointment on being required so to do.

Minister may require appointment of engineers.

36. (1) At every factory having machinery developing more than two hundred and fifty horse-power, or where any unit thereof develops more than seventy-five horse-power, all such machinery shall be under the general charge of an engineer.

General charge and inspection by engineers.

(2) At every factory, having machinery developing more than two hundred and fifty horse-power, all such machinery shall be inspected regularly by an engineer.

Duty of persons to report incidence of danger.

37. (1) It shall be the duty of every person engaged in the working of any machinery where he notices anything in connection therewith which might be dangerous to life or limb to report the same without delay to the person in charge of such machinery.

(2) It shall be the duty of every engineer or person having charge of any machinery to report to the owner every such mechanical or electrical defect or other condition of such machinery as may be or become dangerous to life or limb.

## PART VII—NOTIFICATION AND INVESTIGATION OF ACCIDENTS AND INDUSTRIAL DISEASES

Notification of accidents.

38. (1) Where an accident in a factory—

(a) causes loss of life to a person employed in the factory; or

(b) disables any such person for more than three days from earning full wages at the work at which he was employed;

Act No. 15 of 1955 Vol. IV page 2507.

written notice of the accident, in the prescribed form and accompanied by the prescribed particulars, shall forthwith be sent to the Inspector for the district or area concerned, unless it is an accident of which notice is sent in accordance with the requirements of the Explosives Act, 1955.

(2) Where an accident causing disablement is notified under this section, and after notification thereof results in the death of the person disabled, notice in writing of the death shall be sent to the Inspector for the district by the occupier of the factory as soon as the death comes to his knowledge.

(3) Where any accident to which this section applies occurs to a person employed and the occupier of the factory is not the actual employer of the person killed or injured, the actual employer shall, if he fails to report the accident to the occupier immediately, be guilty of an offence and liable to a fine not exceeding twenty leones.

Notification of industrial diseases.

39. (1) Every medical practitioner attending or called in to visit a patient whom he believes to be suffering from lead, phosphorus, arsenical or mercurial poisoning, or anthrax, contracted in any factory, shall (unless such a notice has been previously sent) forthwith send addressed to "The Chief Inspector of Factories, Freetown" a notice stating the name and full postal address of the patient and the disease from which, in the opinion of the medical practitioner, the patient is suffering, and the name and address of the factory in which he is or was last employed.



(2) Any medical practitioner who fails to send any notice in accordance with the requirements thereof shall be guilty of an offence and liable on conviction to a fine not exceeding eight leones.

(3) Written notice of every case of lead, phosphorus, or arsenical or mercurial poisoning or anthrax occurring in a factory shall forthwith be sent by the occupier in the prescribed particulars to the Inspector for the district or area concerned and to the appointed factory medical practitioner; and the provisions of this Act with respect to the notification of accidents shall apply to any such case in like manner as to any such accident as is mentioned in those provisions.

(4) The Minister may, as respects all factories or any class or description of factory, by Regulations apply the provisions of this section to any disease other than those mentioned in this section.

40. Where personal injury immediately results in the death of the person injured, the place where the accident occurred shall, after the removal of the injured person, be left precisely as it was immediately after the accident until a police officer and an Inspector have visited it and examines it: *Locus in quo to remain undisturbed following death.*

Provided that, unless the discontinuance of work may endanger the lives of other persons or seriously impede the working, work shall not be resumed at such place without the prior approval of an Inspector.

41. (1) The Inspector on the receipt of the report of an accident shall, if he considers it to be necessary or if he is required by higher authority to do so, immediately proceed to the place where the accident has occurred and shall make enquiry into the circumstances which have caused it, and he shall, where practicable, inform the owner of his intention to carry out an enquiry. *Enquiries by Inspector.*

(2) For the purpose of such enquiry an Inspector may—

- (a) by summons require the attendance of such persons as he may think fit for the purpose of examination,
- (b) require the production of any books, papers, and documents which he considers necessary for the purpose of such enquiry,
- (c) administer an oath and require any person examined to make and sign declaration of the truth of the statements made by him in his examination, provided that no person so examined shall be compelled to answer any question which may incriminate him,

(d) award such fees for giving evidence as may be fixed by the Minister.

Failure of witnesses to attend enquiries, refusal to answer, obstruction to Inspector, etc.

42. Any person who, without reasonable cause, fails to comply with the terms of any summons of an Inspector as provided by section 41, or refuses to be examined or to answer any question other than one which may incriminate him, or otherwise impedes an Inspector, or any person acting under his directions or orders, in the execution of his duty under section 41 shall be guilty of an offence.

Inspector to report on conclusion of enquiry.

43. (1) On the conclusion of an enquiry held under the provisions of section 41 the Inspector shall—

(a) issue to the owner a certificate that such enquiry has been held and setting out—

(i) the cause of the accident:

(ii) to whom blame (if any) is attributable, and

(iii) whether and by whom there was a contravention of this Act,

(b) furnish the Minister with a full report relating to the accident, and

(c) in the case of a fatal accident, and where it appears to the Inspector that there has been a contravention of the provisions of this Act, report the result of the enquiry to the Coroner, where the accident took place in the Western Area, or where it took place in the Provinces, to the District Officer of the District in which the accident took place.

(2) In the case of a fatal or serious accident where in the opinion of the Inspector it appears—

(i) that there has been criminal negligence, or

(ii) that there has been a case of dangerous driving of mobile earthmoving equipment, or

(iii) that the machinery causing the accident has been driven by an unauthorised person,

the provisions of paragraph (a), (b) and (c) of subsection (1) shall not apply but the Inspector shall submit his findings to the Attorney-General for his opinion as to the institution of criminal proceedings.

44. (1) An Inspector may attend and appear at any inquest or inquiry into the cause of the death of any person resulting from an accident in any factory and may examine any witness at such inquest or inquiry subject to the ruling of the Coroner (or the District Officer) as the case may be, on any matter of law. The Inspector may appear at inquests, etc.

(2) At least twenty-four hours' notice of such inquest or inquiry shall be given to the inspector by the Coroner (or District Officer) as the case may be.

45. The owner of every factory shall, within twenty four hours report in writing to an Inspector every occurrence falling within any of the following classifications or of a nature similar thereto whether such occurrence involved personal injury or not— Dangerous occurrences to be reported.

- (a) bursting of a revolving vessel, wheel, grindstone or grinding wheel moved by mechanical power;
- (b) collapse or failure of a crane, derrick, winch, hoist, or other appliance used in raising or lowering persons or any part thereof (except the breakage of chain or rope slings), or the overturning of a crane;
- (c) explosion or fire causing damage to the structure of any room or place in which persons are employed, or to any machine or plant contained therein, and resulting in the complete suspension of ordinary work in such room or place or stoppage of machinery or plant for not less than five hours, where such explosion or fire is due to—
  - (i) the ignition of dust, gas or vapour, or
  - (ii) the ignition of celluloid or substances composed wholly or in part of celluloid;
- (d) electrical short circuit or failure of electrical machinery, plant or apparatus, attended by explosion or fire or causing structural damage thereon and involving its stoppage or disuse for not less than five hours.
- (e) explosion or fire affecting any room in which persons are employed and causing complete suspension of ordinary work therein for not less than twenty-four hours;

- (f) explosion of a receiver or container used for the storage at a pressure greater than atmospheric pressure of any gas or gasses (including air) or any liquid or solid resulting from the compression of gas.

Instructions  
of Inspectors  
to be in writing  
and to be  
carried into  
effect.

46. Every instruction, requirement and decision given by an Inspector under this Act shall be in writing and shall be carried into effect without delay by every person affected thereby:

Provided that where any such person shall object to the same he may within fourteen days of the receipt thereof lodge a written notice of appeal, setting forth the grounds of his objection, with the Chief Inspector who shall forthwith transmit the same to the Chairman of the Board.

#### PART VIII—OFFENCES, PENALTIES AND LEGAL PROCEEDINGS

Offences.

47. (1) In the event of any contravention in or in connection with or in relation to a factory of the provisions of this Act, or of any Regulation or Order made thereunder, the occupier, or (if the contravention is one in respect of which the owner is by or under this Act made responsible) the owner, of the factory shall, subject as hereafter in this Act provided, be guilty of an offence under this Act.

(2) In the event of a contravention by an employed person of the provisions of Part VI of this Act with respect to duties of persons employed, or of a contravention by any person of any Regulation or Order made under this Act which expressly imposes any duty upon him, that person shall be guilty of an offence and the occupier or owner, as the case may be, shall not be guilty of an offence by reason only of the contravention of the said provisions of Part VI of this Act, or the contravention of the provision imposing the said duty, as the case may be, unless it is proved that he failed to take all reasonable steps to prevent the contravention; but this subsection shall not be taken as affecting any liability of the occupier or owner in respect of the same matters by virtue of some provision other than the provisions aforesaid.

(3) If the occupier of a factory avails himself of any special exception allowed by or under this Act and fails to comply with any of the conditions attached to the exception, he shall be deemed to have contravened the provisions of this Act.

(4) If any person is employed in a factory otherwise than in accordance with the provisions of this Act or of any Regulation or Order made thereunder, there shall be deemed to be a separate contravention in respect of such person so employed.

(5) Where an offence under this Act committed by a company, co-operative society or other body of persons is proved to have been facilitated by neglect on the part of, any Chairman, Director, Manager, Secretary or other officer of the company, co-operative society or other body of persons, he as well as the company, co-operative society or other body of persons, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

48. Subject as hereinafter in this Act provided, any person guilty of an offence under this Act for which no express penalty is provided by or under this Act shall be liable to a fine not exceeding fifty leones, or to imprisonment for a term not exceeding one month, or to both such fine and imprisonment, and, if the contravention in respect of which he was so convicted is continued after the conviction, he shall (subject to the provisions of section 49) be guilty of a further offence and liable in respect thereof to a fine not exceeding ten leones for each day on which the contravention was so continued. Penalty for offences for which no express penalty provided.

49. Where the occupier or owner of a factory is convicted of an offence under this Act, the court may, in addition to or instead of imposing any penalty, order him, within the time specified in the order, to take such steps as may be so specified for remedying the matters in respect of which the contravention occurred, and may, on application, enlarge the time so specified, and where such an order is made, the occupier or owner shall not be liable under this Act in respect of the continuation of the contravention during the time allowed by the court, but if, after the expiration of that time as originally specified or enlarged by subsequent order, the order is not complied with, the occupier or owner, as the case may be, shall be liable to a fine not exceeding ten leones for each day on which the non-compliance continues. Power of Court to order cause of contravention to be remedied.

50. If any person is killed, or dies, or suffers any bodily injury, in consequence of the occupier or owner of a factory having contravened any provision of this Act or of any Regulation or Order made thereunder, the occupier or owner of the factory shall, without prejudice to any other penalty, be liable to a fine not exceeding two hundred leones or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment, and the whole or any part of the fine may be applied for the benefit of the injured person or his family or otherwise as the court may order: Penalty in case of death or injury.

Provided that—

- (a) in the case of injury to health, the occupier or owner shall not be liable to a penalty under this section unless the injury was caused directly by the contravention; and

- (b) the occupier or owner shall not be liable to a penalty under this section if the charge against him under this Act in respect of the act or default by which the death or injury was caused has been heard and dismissed before the death or injury occurred.

Forgery of certificates, false entries and false declaration.

51. If any person—

- (a) forges or counterfeits any certificate required by, under, or for the purposes of this Act or any Order or Regulations made thereunder; or
- (b) forges or signs any such certificates knowing it to be false in any material particular; or
- (c) knowingly utters or makes use of any such certificates so forged, counterfeited, or false as aforesaid; or
- (d) knowingly utters or makes use of, as applying to any person, any such certificate which does not so apply; or
- (e) personates any person named in any such certificate; or
- (f) falsely pretends to be an Inspector; or
- (g) wilfully connives at any such forging, counterfeiting, giving, signing, uttering, making use, personating or pretending as aforesaid; or
- (h) wilfully makes a false entry in any register, notice, certificate, or document required by, under, or for the purposes of, this Act or any Order or Regulation made thereunder to be kept or served or sent; or
- (i) wilfully makes or signs a false declaration required by, under, or for the purposes of, this Act or any Order or Regulation made thereunder; or
- (j) knowingly makes use of any such false entry or declaration as aforesaid,

Penalty on persons actually committing offence for which occupier is liable.

52. Where an act or default for which an occupier or owner of a factory is liable under this Act is in fact the act or default of some agent, servant, worker or other person, that agent, servant, worker or other person shall be guilty of an offence and liable to the like penalty as if he were the occupier or owner, as the case may be.

53. (1) Where the occupier or owner of a factory is charged with an offence under the provisions of this Act, he shall be entitled, upon a charge duly made by him and on giving to the prosecution not less than three days' notice in writing of his intention, to have any other person whom he charges as the actual offender (whether or not that person is his agent or servant) brought before the court at the time appointed for hearing the charge, and if, after the commission of the offence has been proved, the occupier or owner of the factory proves to the satisfaction of the court—

Power of occupier or owner to exempt himself from liability on conviction of the actual offence.

- (a) that he has used all due diligence to enforce the execution of the provisions of this Act and of any relevant Regulation or Order made thereunder; and
- (b) that the said other person had committed the offence in question without his consent, connivance or wilful default,

that other person shall be convicted of the offence, and the occupier or owner shall not be guilty of the offence, and the person so convicted shall, in the discretion of the court, be also liable to pay any costs incidental to the proceedings.

The prosecution and the said other person shall each have the right in any such case to cross-examine the occupier or owner, if he gives evidence, and any witnesses called by him in support of his charge, and to call rebutting evidence.

(2) When it is made to appear to the satisfaction of an Inspector at the time of discovering an offence—

- (a) that the occupier or owner (as the case may be) of the factory has used all due diligence to enforce the execution of this Act and of any relevant Regulation or Order made thereunder; and
- (b) by what person the offence has been committed; and
- (c) that it has been committed without the consent, connivance or wilful default of the occupier or owner and in contravention of his orders,

the Inspector shall proceed against the person whom he believes to be the actual offender without first proceeding against the occupier or owner of the factory.

54. Where, under this Act, any person is substituted for the occupier or owner of a factory with respect to any provision of this Act, all orders, summons, notices or proceedings which, for the purpose of any of those provisions, are by or under this Act required or authorised to be served on or taken in relation to the occupier or owner, are hereby required or authorised (as the case may be) to be served on or taken in relation to that person.

Proceedings against persons other than occupiers or owners.

Owner of machine liable in certain cases instead of occupier.

**55.** Where in a factory the owner or hirer of a machine or implement moved by mechanical power is some person other than the occupier of the factory, the owner or hirer shall, so far as respects any offence under this Act committed in relation to a person who is employed in or about or in connection with that machine or implement and is in the employment or pay of the owner or hirer, be deemed to be the occupier of the factory.

Prosecution of offences.

**56.** (1) All offences under this Act shall be prosecuted, in a Magistrate's Court.

(2) In any proceedings under this Act it shall be sufficient in the charge to allege that the factory is a factory within the meaning of this Act, and to state the name of the ostensible occupier of the factory or, where the occupier is a firm, the title of the firm; and the burden of proving that the premises are not a factory, or that the occupier specified in the charge or information is not the occupier of the factory, shall lie upon the person alleging such fact.

(3) Where any offence is committed under this Act by reason of a failure to make an examination, enter a report, or do any other thing, at or within a time specified by this Act (or any Regulation or Order made thereunder), the offence shall be deemed to continue until the examination is made, or the report entered, or the other thing done, as the case may be.

Special provisions as to evidence.

**57.** (1) If a person is found in a factory at any time at which work is going on or machinery is in motion, except during the intervals for meals or rest, he shall, until the contrary is proved, be deemed for the purposes of this Act to have been then employed in the factory:

Provided that this subsection shall not apply to a factory in which the only persons employed are members of the same family dwelling there.

(2) Where any entry is required by this Act or by any Order or Regulations made thereunder to be made in the general register or in any other register or record, the entry made by the occupier of a factory or on his behalf shall, as against him, be admissible as evidence of the facts therein stated, and the fact that any entry so required with respect to the observance of any provision of this Act or of any Order or Regulation made thereunder has not been made shall be admissible as evidence that that provision has not been observed



58. (1) Any document (including any summons or order) required or authorised to be served under this Act may be served— Service and sending of documents.

- (a) on any person by delivering it to him, or by leaving it at, or sending it by post to his residence or place of business;
- (b) on any firm by delivering it to any partner of the firm, or by leaving it at, or sending it by post to, the office of the firm;
- (c) on the owner or occupier of a factory (including any such owner or occupier being a company or a co-operative society) in any such manner as aforesaid, or by delivering it, or a true copy thereof to any responsible person apparently not under the age of sixteen years at the factory.

(2) Any such document may be addressed, for the purpose of the service thereof on the occupier of a factory, to "the occupier" at the proper postal address of the factory, without further name or description.

(3) The foregoing provisions of this section shall apply, with the necessary modifications, to documents required or authorised under this Act to be sent to any person, firm, owner or occupier, and to the sending, addressing and delivery of such documents.

59. (1) If on complaint by an Inspector a Magistrate's Court is satisfied either— Power of court to make orders as to dangerous conditions and practices.

- (a) that any part of the ways, works, machinery, or plant used in a factory is in such a condition or is so constructed or is so placed that it cannot be used without risk of bodily injury; or
- (b) that any process or work is carried on or anything is or has been done in any factory in such manner as to cause risk of bodily injury;

the court shall as the case may require, by order—

- (i) prohibit the use of that part of the ways, works, machinery, or plant, or, if it is capable of repair or alteration, prohibit its use until it is duly repaired or altered: or
- (ii) require the occupier of the factory to take such steps as may be specified in the order for remedying the danger complained of.

(2) Where a complaint is or has been made under the last foregoing subsection, the court may, on application *ex-parte* by the inspector, and on receiving evidence that the use of any such part of the ways, works, machinery, or plant, or, as the case may be, the carrying on of any process or work or the doing of anything in such a manner as aforesaid, involves imminent risk of serious bodily injury, make an interim order prohibiting, either absolutely or subject to conditions, the use, carrying on or doing thereof until the earliest opportunity for hearing and determining the complaint.

(3) In the event of a contravention, in relation to any factory, of an order of a court made under this section, the occupier of the factory shall be guilty of an offence and liable on conviction thereof to a fine not exceeding three hundred leones or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment, and if the contravention in respect of which he was so convicted is continued after the conviction, he shall be guilty of a further offence and liable in respect to a fine not exceeding ten leones or to imprisonment for a term not exceeding seven days, or to both such penalties, for each day on which the offence was so continued.

60. (1) A Magistrate's Court may, on complaint by an Inspector, and on being satisfied that any factory or part of a factory is in such a condition, or is so constructed or placed, that any process or work carried on therein, or intended to be carried on therein, cannot be so carried on with due regard to the safety and health of the persons employed, by order prohibit the use thereof for the purpose of that process or work.

Power of court to make orders as to dangerous factory.

(2) An order made by a court under this section may—

- (a) prohibit the carrying on of any process or work either indefinitely, or until such steps have been taken as may be specified in the order to enable the process or work to be carried on with due regard to the safety and health of the persons employed; and
- (b) be revoked or varied on the application by way of complaint of the occupier or owner of the factory:

Provided that, on any such application as aforesaid, an Inspector shall be entitled to be heard.

(3) If any process or work is carried on in a factory or part of a factory in contravention of an order of a court made under this section, the occupier of the factory shall be guilty of an offence and liable on conviction thereof to a fine not exceeding

two hundred leones, or to imprisonment for a term not exceeding three months, or to both such penalties, and, if the contravention in respect of which he was so convicted is continued after the conviction, he shall be guilty of a further offence and liable in respect thereof to a fine not exceeding ten leones or to imprisonment for a term not exceeding seven days, or to both such fine and such imprisonment, for each day on which the offence was so continued.

61. Any person (including an Inspector) aggrieved by an order made by a court on determining a complaint under the last two foregoing sections may appeal therefrom to the High Court, whose decision shall be final. Appeal from orders made on complaint.

62. The Machinery (Safe Working and Inspection) Act is hereby repealed except that all Rules and appointments made and acts and other things done thereunder shall remain valid until replaced or revoked as the case may be by corresponding Rules, appointments, acts and other things made or done under this Act. Repeal of Cap. 218 Saving of Rules.

## FIRST SCHEDULE

(Section 8)

### THE FACTORIES ACT, 1974

#### PARTICULARS TO BE SUBMITTED BY OCCUPIER OR INTENDING OCCUPIER OF A FACTORY

1. Name of the occupier or intending occupier, of the factory.
2. Address and location of the factory.
3. Nature of the work carried on, or proposed to be carried on, in the factory.
4. Whether mechanical power is used or intended to be used and if so its nature.
5. Whether steam boilers, air or steam receiver are used or intended to be used and, if so, the following particulars in respect of each such boiler, air or steam receivers:—
  - (a) type, description and distinctive number;
  - (b) country and year of manufacture;
  - (c) date of the last thorough examination and name of person by whom the examination was made;
  - (d) maximum permissible working pressure in pounds per square inch.
6. (a) Total number of persons employed, or intended to be employed, in the factory.

(b) where persons are employed, or intended to be employed, in shifts, the maximum number employed, or intended to be employed, at any one time.

7. Date of occupation or intended date of occupation (if after .....)

## SECOND SCHEDULE

(Section 8)

### THE FACTORIES ACT, 1974

#### CERTIFICATE OF REGISTRATION OF A FACTORY

No. of Certificate.....

Date of Issue.....

I hereby certify that the factory named below has been duly registered in pursuance of section 8 of the Factories Act, 1974.

Name of Occupier.....

Address and location of factory.....

Nature of Work.....

.....  
*Chief Inspector.*

Passed in Parliament this *4th* day of *March*, in the year of our Lord one thousand nine hundred and seventy four.

M. MUNU,  
*Acting Clerk of Parliament.*

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed Parliament and found by me to be a true and correctly printed copy of the said Bill.

M. MUNU,  
*Acting Clerk of Parliament.*