

**LAWS OF TRINIDAD AND TOBAGO**

**FACTORIES ORDINANCE**

**(ORDINANCE NO. 44 OF 1946)**

**Ordinance  
No. 44 of 1946**

**Current Authorised Pages**  
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*L.R.O.*

**Note on Subsidiary Legislation**

ORDINANCE NO. 44 OF 1946

**FACTORIES**

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ORDINANCE NO. 44 OF 1946

**FACTORIES**

Ordinance  
No. 44—1946.

**AN ORDINANCE TO PROVIDE FOR THE PROMOTION OF THE  
HEALTH, SAFETY AND WELFARE OF PERSONS EMPLOYED  
IN FACTORIES**

Commencement.

[18<sup>TH</sup> DECEMBER, 1948].

**PART I**

**INTRODUCTORY**

Short title.

**1.** (1) This Ordinance may be cited as the Factories Ordinance.

Saving.

(2) Except where otherwise expressly provided, the provisions of this Ordinance shall be in addition to and not in substitution for or in diminution of the provisions of any other Ordinance.

**PART II**

**INTERPRETATION AND APPLICATION TO YOUNG  
PERSONS EMPLOYED IN CERTAIN OCCUPATIONS**

Interpretation of  
expression  
“factory”.

**2.** (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 demolition 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, reconstructed, repaired, refitted, finished or broken up;
- (ii) any premises in which the business of sorting any articles is carried on as a preliminary to the work carried on in any factory or incidentally to the purposes of any factory;
- (iii) 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;
- (iv) any premises in which the business of hooking, plaiting, lapping, making up or packing of yarn or cloth is carried on;
- (v) any laundry carried on as ancillary to another business, or incidentally to the purposes of any public institution;
- (vi) any premises in which the construction, reconstruction or repair of locomotives, vehicles, or other plant for use for transport purposes is carried on as ancillary to a transport undertaking or other industrial or commercial undertaking, not being any premises used for the purpose of housing locomotives or vehicles where only cleaning, washing, running repairs or minor adjustments are carried out;

- (vii) any premises in which printing by letterpress, lithography, photogravure, 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;
- (viii) any premises in which the making, adaptation or repair of dresses, scenery or properties is carried on incidentally to the production, exhibition or presentation by way of trade or for purposes of gain of cinematograph films or theatrical performances, not being a stage or dressing-room of a theatre in which only occasional adaptations or repairs are made;
- (ix) any premises in which the business of making or mending nets is carried on incidentally to the fishing industry;
- (x) any premises in which mechanical power is used in connection with the making or repair of articles of metal or wood incidentally to any business carried on by way of trade or for purposes of gain;
- (xi) any premises in which the production of cinematograph films is carried on by way of trade for purposes of gain, so, however, that the employment at any such premises of theatrical performers, and of attendants on such theatrical performers shall not be deemed to be employment in a factory;
- (xii) any premises in which articles are made or prepared incidentally to the carrying on of building operations or works of engineering construction, not being premises in which such operations or works are being carried on;

- (xiii) any premises used for the storage of gas in a gas holder having a storage capacity of not less than five thousand cubic feet;
- (xiv) any waterworks, pumping station, filtration plant, sewage works or sewage outfall;
- (xv) any premises in which any material is transformed or converted by way of trade or for purposes of gain.

(2) Any line or siding (not being part of the Trinidad Government Railway or a municipal tramway) which is used in connection with and for the purposes of a factory, shall be deemed to be part of the factory; if any such line or siding is used in connection with more than one factory belonging to different occupiers, the line or siding shall be deemed to be a separate factory.

(3) A part of a factory may, with the approval in writing of the senior inspector, be taken to be a separate factory and two or more factories may, with the like approval, be taken to be a single factory.

(4) Any workplace in which, with the permission of or under agreement with the owner or occupier, two or more persons carry on any work which would constitute the workplace a factory if the persons working therein were in the employment of the owner or occupier shall be deemed to be a factory for the purposes of this Ordinance, and the provisions of this Ordinance shall apply as if the owner or occupier of the workplace were the occupier of the factory and the persons working therein were persons employed in the factory.

(5) No premises in or adjacent to and belonging to a quarry or mine being premises in which the only process carried on is the dressing or preparation for sale of minerals without the aid of mechanical power shall be deemed to be a factory.

(6) Where a place situate within the close, cartilage, or precincts forming a factory is solely used for some purpose other than the processes carried on in the factory, that place shall not be

deemed to form part of the factory for the purposes of this Ordinance, but shall, if otherwise it would be a factory, be deemed to be a separate factory.

(7) Premises shall not be excluded from the definition of a factory by reason only that they are open air premises.

(8) Where the Governor by order so directs as respects all or any purposes of this Ordinance, different branches or departments of work carried on in the same factory shall be deemed to be different factories.

(9) Any premises belonging to or in the occupation of the Crown or any municipal or other public authority shall not be deemed not to be a factory, and building operations or works of engineering construction undertaken by or on behalf of the Crown or any such authority shall not be excluded from the operation of this Ordinance by reason only that the work carried on thereat is not carried on by way of trade or for purposes of gain.

General  
interpretation.

**3.** (1) In this Ordinance and in any regulations or orders made thereunder, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

“bakehouse” means any place in which bread, biscuits, or confectionery is or are baked by way of trade or for purposes of gain;

“bodily injury” includes injury to health;

“building operation” means the construction, structural alteration, repair or maintenance of a building (including re-pointing, re-decoration and external cleaning of the structure), the demolition of a building, and the preparation for, and laying the foundation of, an intended building, but does not include any operation which is a work of engineering construction within the meaning of this Ordinance;

“calendar year” means the period of twelve months beginning with the 1st of January in any year;

- “child” means a person who has not attained the age of fourteen years;
- “class or description”, in relation to factories, includes a group of factories described by reference to locality;
- “driving-belt” includes any driving strap or rope;
- \*“fire authority” means the Commissioner of Police and includes any officer appointed by him to be in charge of measures for the putting out, control, or prevention of fires;
- “fume” includes gas, vapour or smoke;
- “general register” means the register kept in accordance with the requirements of section 54 of this Ordinance;
- “inspector” means, except where otherwise expressed, an inspector appointed under this Ordinance, and a reference to the inspector for the district refers, as respects any factory, to the inspector in charge of the district in which the factory is situate;
- “local health authority” has the same meaning as that assigned to it in the Public Health Ordinance;
- “machinery” includes any driving belt;
- “maintained” means maintained in an efficient state, in efficient working order, and in good repair;
- “mechanical power” means power derived from a prime mover or obtained by the direct application of steam, water, gas, or air pressure;
- “owner” means the person for the time being receiving the rackrent of the premises in connection with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the rackrent if the premises were let at a rackrent;
- “parent” means a parent or guardian of, or person having the legal custody of, or the control over a child or young person, and includes, in relation to any child or young person, any person having direct benefit from his wages;

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\* Superintendent of Fire Brigades is a fire authority for purpose of section 26. — See R.G. 18.11.50.

“period of employment” means the period (inclusive of the time allowed for meals and rest) within which persons may be employed on any day;

“prime mover” means every engine, motor or other appliance which provides mechanical energy derived from steam, water, wind, electricity, the combustion of fuel, or other source;

“process” includes the use of any locomotive;

“sanitary conveniences” includes urinals, waterclosets, earth-closets, privies, ashpits, and any similar convenience;

“ship”, “vessel”, and “harbour” have the same meaning as in the Imperial Merchant Shipping Act, 1894;

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

“week” means the period between midnight on Saturday night and midnight on the succeeding Saturday night;

“woman” means a person of the female sex who has attained the age of eighteen years;

“work of engineering construction” means the construction of any railway line or siding, 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, gasholder, oil tank, road, trace or footpath;

“young person” means a person who has attained the age of fourteen and has not attained the age of eighteen years.

(2) For the purposes of this Ordinance, machinery or plant shall be deemed to have been constructed or re-constructed before the passing of this Ordinance or the making of regulations or orders under this Ordinance, and a factory or building shall be deemed to have been constructed, re-constructed, extended, added to, of

converted for use as a factory, before the passing or commencement of this Ordinance or the coming into operation of any provision of this Ordinance, if the construction, reconstruction, extension, addition, or conversion was begun before the passing or commencement of this Ordinance, or the making of regulations or orders under this Ordinance, or the coming into operation of any provision of this Ordinance, as the case may be.

(3) For the purposes of this Ordinance, a factory shall not be deemed to be a factory in which mechanical power is used by reason only that mechanical power is used for the purpose of ventilating or lighting the workrooms or other parts of the factory.

(4) A woman, young person, or child who works in a factory, whether for wages or not, either in a process or in cleaning any part of the factory used for any process, or in cleaning or oiling any part of the machinery or plant, or in any other kind of work whatsoever incidental to or connected with the process, or connected with the article made or otherwise the subject of the process therein, shall, save as is otherwise provided by this Ordinance or any regulations or orders made thereunder, be deemed to be employed therein for the purposes of this Ordinance or of any proceedings thereunder: Provided that any woman employed solely in cleaning a factory or any part thereof, otherwise than in cleaning which is incidental to or connected with any process shall not be deemed for the purpose of regulations or orders made under this Ordinance controlling hours of employment to be employed in the factory.

(5) For the purposes of this Ordinance or any regulations or orders made thereunder, an apprentice shall be deemed to be a person employed.

4. A young person who works in a factory, whether for wages or not, in collecting, carrying or delivering goods, carrying messages or running errands shall be deemed to be employed in the factory for the purposes of this Ordinance or of any proceedings thereunder.

Application of Ordinance to young persons employed in factories in certain occupations.

## PART III

## HEALTH (GENERAL PROVISIONS)

Cleanliness.

5. Every factory shall be kept in a clean state, and free from effluvia arising from any drain, sanitary convenience or nuisance, and, without prejudice to the generality of the foregoing provision—

- (a) accumulations of dirt and refuse shall be removed daily by a suitable method from the floors and benches of workrooms, and from the staircases and passages;
- (b) all such dirt and refuse as aforesaid, and all waste organic matter, whether resulting from any of the processes carried on, in the factory or from any other cause, shall be, where practicable, removed daily to a covered pit or receptacle, and effective means shall be provided, maintained and used to prevent, so far as possible, the breeding of flies, mosquitoes or other insects, or rats, mice or other vermin;
- (c) the floor of every workroom shall be cleaned thoroughly at least once in every week by washing or, if it is effective and suitable, by sweeping or other method;
- (d) all inside walls and partitions, and all ceilings or tops of rooms, and all walls, sides and tops of passages and staircases shall—
  - (i) where they have a smooth impervious surface, at least once in every period of six months be washed with water and soap or other suitable detergent, or cleaned by such other method as may be approved in writing by the senior inspector;
  - (ii) where they are painted with oil paint or varnished, be repainted or re-varnished at least once in every period of five years, and at least once in every period of six months



be washed with water and soap or other suitable detergent, or cleaned by such other method as may be approved in writing by the senior inspector;

- (iii) in other cases be kept white-washed or colour-washed, and the white-washing or colourwashing shall be repeated at least once in every period of twelve months.

6. (1) A factory shall not, while work is carried on, be so overcrowded as to cause risk of injury to the health of the persons employed therein. Overcrowding.

(2) Without prejudice to the generality of the foregoing provision, in every workroom in a factory there shall be allowed for every person employed in the room not less than four hundred cubic feet of space, except that in any workroom with not less than one side, or the equivalent area of openings, being not less than twenty-five per cent of the total area of all the sides of the room, open to the outer air the amount of space allowed for every person employed in the room shall be not less than two hundred and fifty cubic feet.

(3) In calculating, for the purposes of this section, the amount of cubic space in any room, no space more than twelve feet from the floor shall be taken into account, and, where a room contains a gallery in which persons are employed, the gallery shall be treated for the purposes of this section as if it were partitioned off from the remainder of the room and formed a separate room.

(4) There shall be posted in every workroom a notice specifying the number of persons who may, under the provisions of this section, be employed in that room.

7. Adequate ventilation by the circulation of fresh air shall be maintained in each workroom and all fumes, dust and other impurities that may be injurious to health generated in the course of any process or work carried on in the factory, shall be, so far as practicable, rendered harmless and removed by mechanical means if necessary. Ventilation.

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Lighting.

**8.** (1) Sufficient and suitable lighting, whether natural or artificial, shall be provided and maintained in every part of a factory in which persons are working or through which they may pass.

(2) All glazed windows and skylights used for the lighting of workrooms shall, so far as practicable, be kept clean on both the inner and outer surfaces and free from obstruction: Provided that this subsection shall not affect the white-washing or shading of windows and skylights for the purpose of mitigating heat or glare.

Drainage of floors.

**9.** Where any process is carried on which renders the floor liable to be wet to such an extent that the wet is capable of being removed by drainage, effective means shall be provided and maintained for draining off the wet.

Sanitary conveniences.

**10.** Sufficient and suitable sanitary conveniences for the persons employed in a factory shall be provided, maintained and kept clean, and adequate lighting for the convenience shall be provided and maintained and, where persons of both sexes are or are intended to be employed, such conveniences shall afford proper separate accommodation for persons of each sex.

Enforcement by the local health authority of certain provisions of Part III.

**11.** (1) The foregoing provisions of this Part of this Ordinance relating to sanitary conveniences and any regulations or orders made in pursuance thereof shall be enforced by the local health authority.

(2) The foregoing provisions of this Part of this Ordinance relating to cleanliness, overcrowding, ventilation and drainage of floors and any regulations or orders made in pursuance thereof shall, as respects any factory in which mechanical power is not used, be enforced by the local health authority:

(3) Every local health authority shall keep a register of all factories situate within their district with respect to which the duty of enforcing any of the said provisions is imposed upon them.

(4) For references in any of the foregoing provisions of this Part of this Ordinance to an inspector there shall, as respects

any factory or part thereof in which that provision is enforceable by a local health authority, be substituted references to an officer of the local health authority.

**12.** (1) Where an inspector finds any act or default, in relation to any drain, sanitary convenience, water supply, nuisance, or other matter in a factory which is liable to be dealt with by the local health authority under this Part of this Ordinance or under the law relating to public health, he shall give notice thereof in writing to the local health authority and to the Central Board of Health, and it shall be the duty of the local health authority to make such inquiry into the subject of the notice, and take such action thereon, as seems to the local health authority proper for the purpose of enforcing the law, and to inform the Central Board of Health and the inspector of the proceedings taken in consequence of the notice.

Powers of an inspector as to sanitary defects remediable by local health authority.

(2) Where an inspector finds any such act or default as aforesaid, he may take with him into the factory a medical officer of health, sanitary inspector; or other officer of the local health authority.

(3) If within one month after notice of an act or default is given by an inspector under this section to a local health authority, proceedings are not taken for remedying the act or default or for punishing the offender, the Central Board of Health shall have power to enforce any of the provisions of this Part of this Ordinance which the local health authority has failed to enforce, and for the purposes of this section the Central Board of Health shall have the same powers as those entrusted to local health authorities under the Public Health Ordinance.

#### PART IV

#### SAFETY (GENERAL PROVISIONS)

**13.** (1) Every flywheel directly connected to any prime mover and every moving part of any prime mover, except such prime movers as are mentioned in subsection (3) of this section, shall be securely fenced, whether the flywheel or prime mover is situated in an engine house or other enclosure or not.

Prime movers.

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*Factories*

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(2) The head and tail race of every water wheel and of every water turbine shall be securely fenced.

(3) Every part of electric generators, motors and rotary converters, and every flywheel directly connected thereto, shall be securely fenced unless it is in such a position or of such construction as to be as safe to every person employed or working on the premises as it would be if securely fenced.

Transmission machinery.

**14.** (1) Every part of the transmission machinery shall be securely fenced unless it is in such a position or of such construction as to be as safe to every person employed or working on the premises as it would be if securely fenced.

(2) Efficient devices or appliances shall be provided and maintained in every room or place where work is carried on by which the power can promptly be cut off from the transmission machinery in that room or place.

(3) No driving belt when not in use shall be allowed to rest or ride upon a revolving shaft which forms part of the transmission machinery.

(4) Suitable striking gear or other efficient mechanical appliances shall be provided and maintained and used to move driving belts to and from fast and loose pulleys which form part of the transmission machinery, and any such gear or appliances shall be so constructed, placed and maintained as to prevent the driving belt from creeping back on to the fast pulley.

Other machinery.

**15.** (1) Every dangerous part of any machinery, other than prime movers and transmission machinery, shall be securely fenced unless it is in such a position or of such construction as to be as safe to every person employed or working on the premises as it would be if securely fenced: Provided that, in so far as the safety of a dangerous part of any machinery cannot by reason of the nature of the operation be secured by means of a fixed guard, the requirements of this section shall be deemed to have been complied with if a device is provided which automatically prevents the operator from coming into contact with that part.

(2) Any part of a stock-bar which projects beyond the head-stock of a lathe shall be securely fenced unless it is in such a position as to be as safe to every person employed or working on the premises as it would be if securely fenced.

**16.** Every dangerous part of the ways, works or plant shall be so enclosed, covered, fenced, or otherwise effectively guarded as to prevent danger.

Dangerous ways, works or plant.

**17.** All fencing or other safeguards provided in pursuance of the foregoing provisions of this Part of this Ordinance or of any regulations or orders made in pursuance thereof shall be of substantial construction, and constantly maintained and kept in position while the parts required to be fenced or safeguarded are in motion or in use, except when any such parts are exposed for examination, lubrication or adjustment which it is necessary to carry out while they are in motion.

Construction and maintenance of fencing.

**18.** (1) In the case of any machine in a factory being a machine intended to be driven by mechanical power—

Construction and sale of new machinery.

- (a) every set-screw, bolt, nut, key or keyway on any revolving shaft, spindle, wheel or pinion shall be so sunk, encased or otherwise effectively guarded as to prevent danger; and
- (b) all spur and other toothed or friction gearing, which does not require frequent adjustment while in motion, shall be completely encased unless it is so situated as to be as safe as it would be if completely encased.

(2) Any person who sells or lets on hire, or as agent of the seller or hirer causes or procures to be sold or let on hire, for use in a factory in the Colony any machine intended to be driven by mechanical power which does not comply with the requirements of this section shall be guilty of an offence and liable to a fine of four hundred and eighty dollars.

(3) Nothing in this section shall apply to any machine constructed before the passing of this Ordinance.

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Cleaning of machinery in motion.

**19.** No person shall clean any part of a prime mover or of any transmission machinery while the prime mover or transmission machinery is in motion by mechanical power, and no person shall clean any part of any machine if the cleaning thereof would expose him to risk of injury from any moving part either of that machine or of any, adjacent machinery.

Construction and maintenance of floors, passages, stairs and guardrails.

**20.** (1) All floors, steps, stairs, passages and gangways and all hand-rails and guard-rails shall be of sound construction and properly maintained.

(2) Every staircase and flight of steps in a building or affording a means of exit from a building shall be provided with a substantial hand-rail which, if the staircase or flight of steps has an open side, shall be on that side, and, in the case of a staircase or flight of steps having two open sides, or in the case of a staircase or flight of steps which, owing to the nature of the construction thereof or the condition of the treads or other special circumstances, is specially liable to cause accidents, such a hand-rail shall be provided on both sides. Any open side of a staircase or flight of steps shall also be guarded by the provision of a lower rail or other effective means.

(3) All openings in floors shall be securely fenced, except in so far as the nature of the work renders such fencing impracticable.

(4) Every ladder shall be soundly constructed and properly maintained and shall be of adequate length for the purpose for which it is at any time being used.

Safe means of access and place of employment.

**21.** (1) There shall, so far as is reasonably practicable, be provided and maintained safe means of access to every place at which any person has at any time to work.

(2) Where any person is to work at a place from which he will be liable to fall a distance more than ten feet, means shall be provided, so far as is necessary and practicable, by fencing or otherwise for ensuring his safety.

**22.** (1) Every hoist or lift shall be of good mechanical construction, sound material and adequate strength; and be properly maintained. Hoists and lifts.

(2) Every hoist or lift shall be thoroughly examined by a competent person at least once in every period of twelve months, and a report of the result of every such examination in the prescribed form and containing the prescribed particulars shall be signed by the person making the examination and shall within fourteen days be entered in or attached to the general register.

(3) Such competent person as aforesaid shall not be in the employ of the occupier of the premises in which the hoist or lift is situate and shall not be in the employ of the owner or hirer of the said hoist or lift.

(4) Every hoistway or liftway shall be efficiently protected by a substantial enclosure fitted with gates, being such an enclosure as to prevent, when the gates are shut, any person falling down the way or coming into contact with any moving part of the hoist or lift.

(5) Any such gate as aforesaid shall be kept effectively closed except when the cage or platform is at the landing or opening in the enclosure to which the gate is fitted.

(6) Every hoist or lift and every such enclosure as aforesaid shall be so constructed as to prevent any part of any person or goods carried in the hoist or lift being trapped between any part of the hoist or lift and any fixed structure or between the counterbalance weight and any other moving part of the hoist or lift.

(7) There shall be marked conspicuously on every hoist or lift the maximum working load which it call safely carry and no load greater than that load shall be carried on or in any hoist or lift.

(8) In the case of a continuous hoist or lift subsections (4) to (7) inclusive of this section shall not apply and in the case of a hoist or lift not connected with mechanical power and used only for the carriage of goods and the effective floor area of which does not exceed four square feet subsections (2) and (3) shall not apply.

(9) For, the purposes of this section, no lifting machine or appliance shall be deemed to be a hoist or lift unless it has a platform or cage the direction of movement of which is restricted by a guide or guides.

(10) Every doorway or similar opening used for hoisting or lowering goods or materials, whether by mechanical power or otherwise, shall be securely fenced, and shall be provided with a secure hand hold on each side of the opening or doorway. The fencing shall be properly maintained and shall, except when the hoisting or lowering of goods or materials is being carried on at the opening or doorway, be kept in position.

(11) This section and any regulations or orders made in pursuance thereof shall apply to every hoist or lift (other than a hoist or lift used solely for domestic purposes and in which no person is carried), whether situate in premises to which this Ordinance applies, or not: Provided that where the hoist or lift is situate wholly or partly in premises to which this Ordinance does not apply the report of examination required by subsection (2) of this section shall not be required to be entered in or attached to the general register but shall, within fourteen days, be sent to the inspector for the district and on its return to the owner or hirer of the hoist or lift be kept available for inspection, and the owner or hirer of the hoist or lift shall be responsible for the observance of the provisions of this section and of any regulations or orders made in pursuance thereof and in the event of a contravention thereof shall be guilty of an offence.

(12) No hoist or lift shall be taken into use until it has been examined and reported on in accordance with the provisions of subsection (2) of this section.

(13) For the purposes of this section and of any regulations or orders made in pursuance thereof the expression “competent person” means a qualified engineer recognised as such by the Institution of Mechanical Engineers, with experience in the construction, maintenance or repair of electrically or mechanically driven hoists and lifts.



23. (1) Every steam boiler, whether separate or one of a range— Steam boilers.

(a) shall have attached to it—

- (i) a suitable safety valve, separate from any stop valve, which shall be so adjusted as to prevent the boiler being worked at a greater pressure than the maximum permissible working pressure and shall be fixed directly to, or as close as practicable to, the boiler;
  - (ii) a suitable stop valve connecting the boiler to the steam pipe;
  - (iii) a correct steam pressure gauge connected to the steam space and easily visible by the boiler attendant, which shall indicate the pressure of steam in the boiler in pounds per square inch, and have marked upon it in a distinctive colour the maximum permissible working pressure;
  - (iv) two water gauges, of which at least one shall be of transparent material or other type approved by the senior inspector, to show the water level in the boiler, and, if a gauge is of the glass tubular type, the gauge shall be provided with an efficient guard but not so as to obstruct the reading of the gauge; or
  - (v) one water gauge of transparent material or other type as aforesaid provided, if of the tubular type, with a guard as aforesaid, and not less than two water level test cocks to indicate the correct level of water in the boiler; and
- (b) shall be provided with means for attaching a test pressure gauge; and
- (c) unless externally fired, shall be provided with a suitable fusible plug or an efficient low water alarm device:

Provided that subparagraph (ii) of paragraph (a) of this subsection shall not apply with respect to economisers, and subparagraphs (iii), (iv) and (v) of paragraph (a), and paragraphs (b) and (c) of this subsection shall not apply with respect to either economisers or superheaters.

(2) In the case of a steam boiler in a ship or other floating vessel every such boiler shall, in addition to the foregoing provisions, have attached to it—

- (a) a second safety valve as described in subparagraph (i) of paragraph (a) of subsection (1) of this section, and both valves shall be of the direct spring loaded type;
- (b) a suitable blow-off cock or valve so as to permit the pressure inside the boiler to be reduced to atmospheric pressure within a reasonable time in case of emergency;
- (c) a salinometer cock or valve.

(3) For the purposes of subsection (1) of this section, a lever-valve shall not be deemed a suitable safety valve unless the weight is secured on the lever in the correct position.

(4) No person shall enter or be in any steam boiler which is one of a range of two or more steam boilers unless—

- (a) all inlets through which steam or hot water might otherwise enter the boiler from any other part of the range, are disconnected from that part; or
- (b) all valves, taps or cocks controlling such entry are closed and securely locked, and, where the boiler has a blow-off pipe in common with one or more other boilers or delivering into a common blow-off vessel or sump, the blow-off valve, tap or cock on each such boiler is so constructed that it can only be opened by a key which cannot be removed until the valve, tap or cock is closed and is the only key in use for that set of blow-off valves, taps or cocks.

(5) Every part of every steam boiler shall be of good construction, sound material, adequate strength, and free from patent defect.

(6) Every steam boiler and all its fittings and attachments shall be properly maintained.

(7) Every steam boiler and all its fittings and attachments shall be thoroughly examined by a competent person at least once in every period of twelve months, and also after any extensive repairs.

(8) A report of the result of every such examination in the prescribed form and containing the prescribed particulars (including the maximum permissible working pressure) shall, as soon as practicable and in any case within twenty-one days of the completion of the examination, be entered in or attached to the general register, and the report shall be signed by the person making the examination.

(9) No steam boiler which has previously been used shall be taken into use again until it has been examined and reported on in accordance with the last two foregoing subsections; and no new steam boiler shall be taken into use unless there has been obtained from the manufacturer of the boiler, or from a person competent to examine boilers, a certificate specifying the maximum permissible working pressure thereof, and stating the nature of the tests to which the boiler and fittings have been submitted, and the certificate is kept available for inspection, and the boiler is so marked as to enable it to be identified as the boiler to which the certificate relates; and no new steam boiler shall be put into use until it has also been hydraulically tested on the site by a competent person as aforesaid to at least one and a half times the maximum permissible working pressure, and the date of the test and the pressure applied shall be entered in the certificate which shall be signed by the person making the test:

Provided that the provisions of this subsection relating to steam boilers which have previously been used shall not apply to any such boiler used intermittently by the same owner or hirer

except on the first occasion when the said owner or hirer takes the boiler into use.

(10) Where the report of any examination under this section specifies conditions for securing the safe working of a steam boiler, the boiler shall not be used except in accordance with those conditions;

(11) If the person employed to make any such examination as aforesaid fails to make a thorough examination as required by this section or makes a report which is false or deficient in any material particular, he shall be guilty an offence and liable to a fine of two hundred and forty dollars.

(12) In this Part of this Ordinance, the expression “maximum permissible working pressure” means, in the case of a new steam boiler, that specified in the certificate referred to in subsection (9) of this section and in the case of a steam boiler which has been examined in accordance with the provisions of this section, that specified in the report of the last examination; and the expression “steamboiler” means any closed vessel in which for any purpose steam is generated under pressure greater than atmospheric pressure; and includes any economiser used to heat water being fed to any such vessel, and any superheater used for heating steam.

(13) This section and any regulations or orders made in pursuance thereof shall not apply to the boiler of any ship (other than a ship owned or worked by or on behalf of the Government, or any owner or hirer resident in, the Colony, and ordinarily used within the territorial waters of the Colony), or a boiler used solely for domestic purposes at a pressure not exceeding one atmosphere, but shall apply to every other steam boiler whether the boiler is situate in premises to which this Ordinance applies or not.

(14) In the case of a steam boiler situate in premises to which this Ordinance does not apply, the report of examinations required by subsection (8) of this section shall not be required to be entered in or attached to the general register but shall, within twenty-one days, be sent to the inspector for the district and on its return to the owner or hirer of the boiler shall be kept available for

inspection, and the owner or hirer of the boiler shall be responsible for the observance of the provisions of this section and of any regulations or orders made in pursuance thereof and in the event of a contravention thereof shall be guilty of an offence.

(15) No steam boiler shall be worked at a pressure higher than the maximum permissible working pressure, and if any steam boiler is so worked, the occupier of the factory or place in which the boiler is situate or the owner or hirer of the boiler, as the case may be, shall be guilty of an offence and shall be liable for a first offence to a fine of two hundred and fifty dollars and for a second offence to a fine of five hundred dollars, and for a third or subsequent offence to a fine of one thousand dollars.

(16) The competent person referred, to in subsections (7) and (9) of this section shall not be in the employ of the occupier of the premises in which the steam boiler which the competent person examines is situate, and shall not be in the employ of the owner or hirer of the said boiler.

**24.** (1) Every air pressure container shall—

- (a) have marked upon it so as to be plainly visible the safe working pressure; and
- (b) in the case of a container connected with an air compressing plant either be so constructed as to withstand with safety the maximum pressure which can be obtained in the compressor, or be fitted with a suitable reducing valve or other suitable appliance to prevent the safe working pressure of the container being exceeded; and
- (c) be fitted with a suitable safety valve so adjusted as to permit the air to escape as soon as the safe working pressure is exceeded; and
- (d) be fitted with a correct pressure gauge indicating the pressure in the container in pounds per square inch; and
- (e) be so fitted with a suitable appliance for draining the container as to enable all liquid to be drained from the lowest point in the container; and

Air pressure containers.

- (f) be provided with a suitable manhole, handhole, or other means which will allow the interior to be thoroughly cleaned; and
- (g) in a case where more than one container is in use in the factory or other place, bear a distinguishing mark which shall be easily visible.

(2) For the purpose of the provisions of the foregoing subsection relating to safety valves and pressure gauges, any set of air pressure containers supplied with air through a single pipe may be treated as one container:

Provided that, in a case where a suitable reducing valve, or other suitable appliance to prevent the safe working pressure being exceeded is required to be fitted, this subsection shall not apply unless the reducing valve or other appliance, is fitted on the said single pipe.

(3) Every air pressure container and all its fittings shall be of sound construction and properly maintained.

(4) Every air pressure container shall be thoroughly cleaned, examined and subjected to a suitable hydraulic test at least once in every period of twelve months. Every, such examination and test shall be carried out by a competent person, and a report of the result of every such examination and test in the prescribed form and containing the prescribed particulars (including particulars of the safe working pressure) shall, within twenty-one days, be entered in or attached to the general register.

(5) No air pressure container which has previously been used shall be taken into use again until it has been examined and tested and reported on in accordance with the last foregoing subsection; and no new air pressure container shall be taken into use unless there has been obtained from the manufacturer of the container, or from a person competent to examine and test air pressure containers, a certificate specifying the safe working pressure thereof, and stating the nature of the tests to which the container and fitting's have been submitted, and the certificate is kept available for inspection, and the container is so marked as to

enable it to be identified as the container to which the certificate relates; and no new air pressure container shall be put into use until it has also been hydraulically tested on the site by a competent person as aforesaid to at least one and a half times the safe working pressure, and the date of the test and the pressure applied shall be entered in the certificate which shall be signed by the person making the test: Provided that the provisions of this subsection relating to air pressure containers which have previously been used shall not apply to any such container used intermittently by the same owner or hirer except on the first occasion when the said owner or hirer takes the container into use.

(6) In this section the expression “safe working pressure” means, in the case of a new air pressure container, that specified in the certificate referred to in subsection (5) of this section and in the case of an air pressure container which has been examined and tested in accordance with the provisions of this section, that specified in the report of the last examination; and the expression “air pressure container” means—

- (a) any vessel (other than a pipe or coil, or an accessory, fitting or part of a compressor) for containing compressed air; or
- (b) any vessel for containing compressed exhaust gases and used for the purpose of starting an internal combustion engine; or
- (c) any vessel (not being part of a grease gun or spraying pistol) in which grease, oil, paint, varnish, lacquer, or any liquid is stored and from which such material or liquid is forced by compressed air:

Provided that the provisions of paragraph (e) of subsection (1) of this section shall not apply to any such vessel as is mentioned in paragraph (c) of this subsection.

(7) This section and any regulations or orders made in pursuance thereof shall not apply to an air pressure container on any ship (other than a ship owned or worked by or on behalf of the Government, or any owner or hirer resident in the Colony, and

ordinarily used within the territorial waters of the Colony), or any container used solely for domestic purposes at a pressure not exceeding one atmosphere, or any container into which the air is pumped by hand and in which the pressure does not exceed one atmosphere, but shall apply to every other air pressure container whether the container is situate in premises to which this Ordinance applies or not.

(8) In the case of an air pressure container situate in premises to which this Ordinance does not apply, the report of examination and test required by subsection (4) of this section shall not be required to be entered in or attached to the general register but shall, within twenty-one days, be sent to the inspector for the district and on its return to the owner or hirer of the container shall be kept available for inspection, and the owner or hirer of the container shall be responsible for the observance of the provisions of this section and of any regulations or orders made in pursuance thereof and in the event of a contravention thereof shall be guilty of an offence.

(9) No air pressure container shall be worked at a pressure higher than the safe working pressure, and if any air pressure container is so worked, the occupier of the factory or place in which the container is situate or the owner or hirer of the container, as the case may be, shall be guilty of an offence and shall be liable to a fine of two hundred and fifty dollars.

(10) The competent person referred to in subsections (4) and (5) of this section shall not be in the employ of the occupier of the premises in which the air pressure container which the competent person examines is situate, and shall not be in the employ of the owner or hirer of the said container.

Chains, ropes,  
lifting tackle  
and cranes.

**25.** No chain, rope or lifting tackle and no crane or other lifting machine shall be used otherwise than in accordance with any regulations or orders which may be made by the Governor in Council under section 33 of this Ordinance or any order made by the Governor under section 34 of this Ordinance.



**26.** (1) Every factory to which this section applies shall be certified by the fire authority as being provided with such means of escape in case of fire for the persons employed therein as may reasonably be required in the circumstances of each case and, if any premises with respect to which no such certificate is in force are used as a factory, the occupier shall be guilty of an offence and liable on conviction thereof to a fine of two hundred and forty dollars, 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 71 of this Ordinance) be guilty of a further offence and liable to a fine of twenty-four dollars for each day on which the offence was so continued.

Means of escape  
in case of fire.

It shall be the duty, of the fire authority to examine every such factory and, on being satisfied, that the factory is so provided as aforesaid, to give such a certificate accordingly. The certificate shall specify precisely and in detail the means of escape provided, and shall contain particulars as to the maximum number of persons employed or proposed to be employed in the factory as a whole and, if the fire authority thinks fit, in any specified part thereof, and as to any explosive or highly inflammable material stored or used and as to other matters taken into account in granting the certificate. The certificate shall be attached by the occupier to the general register and a copy of it shall be sent by the fire authority to the inspector for the district and also to the local health authority.

(2) All means of escape specified in the certificate as aforesaid shall be properly maintained and kept free from obstruction.

(3) In the case of any factory constructed or converted for use as such before the coming into operation of this section, no offence shall be deemed to be committed under this section by reason of the use of the factory during any period that may elapse between the coming into operation of this section and the grant or refusal of a certificate by the fire authority after examining the factory under this section, and if the fire authority refuses to grant a certificate in respect of the factory unless alterations are made, no such offence shall be deemed to be committed while the

alterations are being carried out in accordance with the requirements of the fire authority.

(4) If, after the grant of a certificate, it is proposed to make any material extension or material structural alteration of the factory premises or to increase materially the number of persons employed in the factory or in any part specified in the certificate, or to begin to store or use explosive or highly inflammable material in the factory or materially to increase the extent of such storage or use, the occupier shall give notice in writing to the fire authority of the proposal and also to the local health authority.

(5) If the fire authority on receipt of the notice mentioned in the last foregoing subsection is of opinion that the conditions in regard to escape in case of fire will be affected, or if at any time the fire authority is satisfied that by reason of changed conditions the existing means of escape have become insufficient, the fire authority may by notice in writing require the occupier to make such alterations, within such period, as may be specified, in the notice.

(6) If it appears to an inspector that dangerous conditions in regard to escape in case of fire exist in any factory to which this section applies he may give notice thereof in writing to the fire authority, and it shall be the duty of the fire authority forthwith to examine the factory, and the fire authority may by notice in writing require the occupier to make such alterations, within such period, as may be specified in the notice.

(7) The occupier shall, within the period specified in any notice of the fire authority under this section, carry out any alterations required by the notice, and upon their being carried out the fire authority shall amend the certificate or issue a new certificate, and shall send a copy of the amended or new certificate to the inspector for the district; and if the alterations are not so carried out, the fire authority shall, without prejudice to the taking of other proceedings, cancel the certificate.

(8) When notice is given by an inspector to the fire authority under this section, the fire authority shall inform the

inspector and the local health authority of any action taken for remedying the dangerous conditions.

(9) If the occupier of any factory is aggrieved by the refusal of the fire authority to grant a certificate under this section or by being required by the fire authority under this section to carry out any alterations at the factory or by the cancellation of a certificate, he may appeal by way of complaint, within twenty-one days of the refusal, notice of requirement, or cancellation, to a Court of summary jurisdiction, and, pending the final determination of the appeal, no offence shall be deemed to be committed under this section by reason that the premises to which the appeal relates are used as a factory without a certificate being in force with respect thereto; and the decision of the Court shall be, binding on the occupier and the fire authority.

(10) If it appears to an inspector that the conditions in regard to escape in case of fire in any factory to which this section applies are so dangerous that the factory or any part thereof ought not to be used, or ought not to be used for a particular process or work, until steps have been taken to remedy the danger he may, in lieu of serving a notice on the fire authority under the foregoing provisions of this section, make a complaint to a Court of summary jurisdiction, and the Court may, on being satisfied of the matters aforesaid, by order prohibit the use of the factory or part thereof, or its use for the particular process or work, until such works have been executed as are in the opinion of the Court necessary to remedy the danger.

When any works have been executed in pursuance of such an order as aforesaid, the inspector shall give notice thereof to the fire authority, who shall amend any certificate in force under this section in respect of the factory, or issue a new certificate, as the case may require.

(11) An examination by the fire authority under this section shall only be carried out by officers authorised in writing by the fire authority to carry out that examination or generally to carry out examinations under this section.

- (12) This section applies to every factory—
- (a) in which more than twenty persons are employed; or
  - (b) in which more than ten persons are employed in the same building on any floor above the ground floor of the building; or
  - (c) in or under which explosive or highly inflammable materials are stored or used.

Safety provisions in case of fire.

**27.** (1) While any person is within a factory for, the purpose of employment or meals, the doors of the factory, and of any room therein in which the person is, and any doors which afford a means of exit for persons employed in the factory from any building or from any enclosure in which the factory is situated, shall not be locked or fastened in such manner that they cannot be easily and immediately opened from the inside.

(2) Any doors opening on to any staircase or corridor from any room in which more than ten persons are employed, and in the case of any factory constructed or converted for use as a factory after the coming into operation of this section, 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.

(3) In any factory constructed or converted for use as a factory before the coming into operation of this section, in which more than ten persons are employed in the same building above the ground floor, any door, which is not kept continuously open, at the foot of a staircase affording a means of exit from the building shall, except in the case of sliding doors, be constructed to open outwards.

(4) Every hoistway or liftway inside a building constructed after the coming into operation of this section shall, subject as hereinafter provided, be completely enclosed with fire resisting materials, and all means of access to the hoist or lift shall be fitted with doors of fire resisting materials: Provided that

any such hoistway or liftway shall be enclosed at the top only by some material easily broken by fire, or be provided with a vent at the top.

(5) Every window, door, or other exit affording means of escape in case of fire or giving access thereto other than the means of exit in ordinary use, shall be distinctly and conspicuously marked by a notice printed in red letters of an adequate size.

(6) Where in any factory more than twenty persons are employed in the same building, or explosive or highly inflammable materials are stored or used in any building in which persons are employed, effective provision shall be made for giving warning in case of fire, which shall be clearly audible throughout the building.

(7) The contents of any room in which persons are employed shall be so arranged or disposed that there is a free passage-way for all persons employed in the room to a means of escape in case of fire.

**28.** Where in any factory more than twenty persons are employed in the same building above the ground floor, or explosive or highly inflammable materials are stored or used in any building where persons are employed, effective steps shall be taken to ensure that all the persons employed are familiar with the means of escape in case of fire and their use and with the routine to be followed in case of fire.

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

**29.** (1) If on complaint by an inspector a Court of summary jurisdiction is satisfied either—

Power of Court of summary jurisdiction 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 a manner as to cause risk of bodily injury; or

- (c) that any factory is in such a condition that any process or work carried on therein cannot be so carried on without 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 to take such steps as may be specified in the order for remedying the danger complained of; or
  - (iii) prohibit the use of the factory or any part thereof until such works have been executed as are in the opinion of the Court necessary to remove the danger.

(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, or the use of a factory or any part thereof in such a condition 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.

#### PART V

### HEALTH, SAFETY AND WELFARE (SPECIAL PROVISIONS AND REGULATIONS)

#### SPECIAL PROVISIONS

Prohibition of use of white phosphorus in manufacture of matches.

**30.** (1) No person shall use white phosphorus in the manufacture of matches.

(2) For the purposes of this Part of this Ordinance the expression “white phosphorus” means the substance usually known as white or yellow phosphorus.

**31.** In every laundry—

Laundries.

- (a) effective steps shall be taken by means of a fan or otherwise to regulate the temperature in every ironing room, and to carry away the steam in every wash-house;
- (b) all stoves for heating irons shall be so separated from any ironing room or ironing table as to protect the workers from the heat thereof;
- (c) no self-heating iron emitting any noxious fumes shall be used.

**32.** A young person shall not be employed to lift, carry or move any load so heavy as to be likely to cause injury to him.

Lifting excessive weights.

#### REGULATIONS AND ORDERS

**33.** (1) The Governor in Council may make regulations or orders for the purposes of promoting the health, safety and welfare of employed persons, and for exempting occupiers, owners and other persons from any of the provisions of this Ordinance in any case where he is satisfied that any such provision is not necessary for the purposes aforesaid.

Power of Governor in Council to make regulations or orders.

(2) Without prejudice to the generality of the powers conferred by subsection (1) of this section, regulations or orders so made may, among other things—

- (a) prohibit the employment of, or regulate or limit the hours of employment of, all persons or any class of persons;
- (b) modify, vary, extend, or limit any of the provisions of this Ordinance;
- (c) impose conditions on the use of, or require anything to be done to or in connection with the ways, work, machinery, or plant or any class or description of machine, machinery, or plant;
- (d) prohibit the employment of, or modify or limit the hours of employment of, all persons or any

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- class of persons in connection with any manufacture, machinery, plant, process or description of manual labour;
- (e) prohibit, limit, or control the use of any material or process;
  - (f) require special supervision, control, training, or inspection of all persons or any class of persons in connection with any manufacture, machinery, plant, process, or description of manual labour;
  - (g) require the provision of protective clothing, welfare facilities, or any other thing to promote the health and welfare of all persons or any class of persons employed;
  - (h) impose duties on owners or hirers, employed persons and other persons, as well as on occupiers:

Provided that before any regulation or order is made embodying any of the provisions of paragraphs (c), (d), (e), (f), (g), or (h) of this subsection, the Governor in Council shall satisfy himself that such provisions are necessary or, in the case of the provisions of paragraph (g) aforesaid, that they are desirable and reasonably practicable.

(3) Regulations or orders so made may apply to all factories or other premises or places to which this Ordinance applies or to any class or description of factories or premises or places as aforesaid, and may provide for the exemption of any specified class or description of persons, or of factories or premises or places as aforesaid, either absolutely or subject to conditions.

Power of  
Governor to  
make orders.

**34.** (1) Where in a factory or other premises or place to which this Ordinance applies the Governor is satisfied that any manufacture, machinery, plant, process, or description of manual labour used is of such a nature as to cause risk of bodily injury to, or be detrimental to the welfare of, persons employed in connection therewith, or any class of those persons, he may, subject to the provisions of this Ordinance, make such an order as



appears to him to be reasonably practicable and to meet the necessity of the case.

- (2) An order so made may, among other things—
- (a) prohibit the employment of, or modify or limit the hours of employment of, all persons or any class of persons in connection with any manufacture, machinery, plant, process, or description of manual labour; or
  - (b) prohibit, limit, or control the use of any material or process; or
  - (c) modify, vary, or extend with respect to all persons or any class of persons employed such provisions of this Ordinance and any regulations or orders made thereunder as impose requirements as to health, safety, or welfare; or
  - (d) exempt, subject to such conditions as the Governor may consider necessary, any factory or part of a factory from any of the provisions of this Ordinance or of any regulations or orders made thereunder which impose requirements as to health or welfare;

and may impose duties on owners or hirers, employed persons and other persons, as well as on occupiers.

(3) An order so made may provide for the exemption of any specified class or description of persons either absolutely or subject to conditions.

#### SUPPLEMENTARY PROVISIONS

**35.** (1) It shall not be lawful to import into the Colony matches made with white phosphorus.

Prohibition of importation and sale of articles made with prohibited materials.

(2) Where by any regulations or orders made under this Ordinance the use of any material or process is prohibited, the Governor in Council may by order prohibit the importation into the Colony of any articles in the manufacture of which the material or process has been employed.

(3) Any article the importation of which is prohibited by or under this section shall be deemed to be included amongst the goods enumerated and described in the list of prohibitions and restrictions contained in section 38 of the Customs Ordinance and in the several proclamations issued thereunder.

(4) Any person who sells or offers or exposes for sale, or has in his possession for purposes of sale, any article the importation of which is prohibited by or under this section, shall be guilty of an offence, and shall, in addition to his liability in respect of the offence, forfeit any such article in his possession, and any article so forfeited shall be destroyed or otherwise dealt with as the Court may think fit.

Power to  
take samples.

**36.** (1) An inspector may at any time after informing the occupier or, if the occupier is not readily available, a foreman or other responsible person in the factory, take for analysis sufficient samples of any material in use or mixed for use in the manufacture of matches, or of any substance used or intended to be used in a factory being a substance in respect of which he suspects a contravention of any provision of this Ordinance or of any regulations or orders made thereunder, or which in his opinion is likely to cause bodily injury to the persons employed.

(2) The occupier or the foreman or other responsible person aforesaid 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—

- (a) to deliver one part to the occupier, or the foreman or other responsible person aforesaid;
- (b) to retain one part for future comparison;
- (c) to submit one part to the analyst;

and any analysis under this section shall be carried out by a Government department.

(3) A certificate purporting to be a certificate by the Government Chemist as to the result of an analysis of a sample under this section shall in any proceedings under this Ordinance

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.

(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 Ordinance, to publish or disclose to any person 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 and liable to a fine of two hundred and forty dollars.

#### PART VI

### NOTIFICATION AND INVESTIGATION OF ACCIDENTS AND INDUSTRIAL DISEASES

- 37.** (1) Where any accident occurs in a factory which either— Notification of accidents.
- (a) causes loss of life to a person employed in that factory; or
  - (b) disables any such person for more than three days from earning full wages at the work at which he was employed,

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.

(2) Where any 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 of forty-eight dollars.

- 38.** (1) Every medical practitioner attending on or called in to visit a patient whom he believes to be suffering from lead, Notification of industrial diseases.

phosphorus, arsenical, mercurial, benzene or aniline poisoning, or anthrax, or epitheliomatous ulceration of the skin, contracted in any factory, shall forthwith send addressed to “The Senior Inspector of Factories, Department of the Commissioner of Labour, Port-of-Spain”, 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, and shall be entitled in respect of every notice sent in pursuance of this section to a fee of sixty cents to be paid as part of the expenses incurred by the Government in the execution of this Ordinance.

(2) If, in contravention of the provisions of this section, any medical practitioner fails to send any notice in accordance with the requirements thereof, he shall be liable to a fine of ten dollars.

(3) Written notice of every suspected case of lead, phosphorus, arsenical, mercurial, benzene or aniline poisoning, or anthrax, or epitheliomatous ulceration of the skin, occurring in a factory shall forthwith be sent by the occupier in the prescribed form and accompanied by the prescribed particulars to the inspector for the district and to the examining surgeon; and the provisions of this Ordinance 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.

Inquest in case of death by accident or industrial disease.

**39.** (1) Where a coroner holds an inquest on the body of any person whose death may have been caused by any accident or disease of which notice is required by this Ordinance to be given, the coroner shall adjourn the inquest unless an inspector is present to watch the proceedings, and shall, at least four days before holding the adjourned inquest, send to the inspector for the district notice in writing of the time and place of holding the adjourned inquest: Provided that the coroner, before the adjournment, may take evidence to identify the body, and may order the interment thereof.

(2) The coroner shall, at least forty-eight hours before holding an inquest as aforesaid other than an adjourned inquest,

send to the inspector for the district, notice in writing of the time and place of holding the inquest.

(3) The following persons shall, subject to the power of the coroner to disallow any question which in his opinion is not relevant or is otherwise not a proper question, at any such inquest as aforesaid, be entitled to examine any witness either in person or by counsel, solicitor or agent, that is to say, an inspector, any relative of the person in respect of whose death the inquest is being held, the occupier of the factory in which the accident or disease occurred or was contracted, and any person appointed in writing by any trade union, friendly society or other association of persons to which the deceased at the time of his death belonged or to which any person employed in the factory belongs, or by any association of employers of which the occupier is a member.

(4) Where evidence is given at any such inquest at which an inspector is not present of any neglect as having caused or contributed to the accident or disease, or of any defect in or about the factory appearing to the coroner to require a remedy, the coroner shall send to the inspector for the district notice in writing of the neglect or defect.

**40.** (1) The Governor may, where he considers it expedient so to do, direct a formal investigation to be held into any accident occurring or case of disease contracted or suspected to have been contracted in a factory and of its causes and circumstances, and with respect to any such investigation the following provisions shall have effect—

Power to direct formal investigation of accidents and cases of disease.

- (a) the Governor may appoint a competent person to hold the investigation, and may appoint any person possessing legal or special knowledge to act as assessor in holding the investigation;
- (b) the person or persons so appointed (hereinafter in this section referred to as “the Court”) shall hold the investigation in open Court in such manner and under such conditions as the Court may think most effectual for ascertaining the

- causes and circumstances of the accident or case of disease, and for enabling the Court to make the report in this section mentioned;
- (c) the Court shall have for the purposes of the investigation all the powers of a Court of summary jurisdiction when acting as a Court in hearing informations for offences under this Ordinance, and all the powers of an inspector under this Ordinance, and, in addition, power—
- (i) to enter and inspect any place or building the entry or inspection whereof appears to the Court requisite for the said purposes;
  - (ii) by summons signed by the Court to require the attendance of all such persons as it thinks fit to call before it and examine for the said purposes, and to require answers or returns to such enquiries as it thinks fit to make;
  - (iii) to require the production of all books, papers, and documents which it considers important for the said purposes;
  - (iv) to administer an oath and require any person examined, to make and sign a declaration of the truth of the statements made by him in his examination;
- (d) persons attending as witnesses before the Court shall be allowed such expenses as would be allowed, under the authority of the Criminal Procedure Ordinance, to witnesses attending before the Supreme Court; and in case of dispute as to the amount to be allowed the dispute shall be referred by the Court to a judge of the Supreme Court who, on request signed by the Court, shall ascertain and certify the proper amount of the expenses;
- (e) the Court shall make a report to the Governor stating the causes and circumstances of the

- accident or case of disease, and adding any observations which the Court thinks right to make;
- (f) the Court may require the expenses incurred in and about an investigation under this section (including the remuneration of any persons appointed to act as assessors) to be paid in whole or part by any person summoned before it who appears to the Court to be, by reason of any act or default on his part or on the part of any servant or agent of his, responsible in any degree for the occurrence of the accident or case of disease, but any such expenses not required to be so paid shall be deemed to be part of the expenses of the Government in the execution of this Ordinance;
- (g) any person who without reasonable excuse (proof whereof shall lie on him) either fails, after having had the expenses (if any) to which he is entitled tendered to him, to comply with any summon's or requisition of the Court, or prevents or impedes the Court in the execution of its duty, shall be guilty of an offence, and liable on conviction thereof to a fine of forty-eight dollars and, in the case of a failure to comply with a requisition for making any return or producing any document, if the failure in respect of which a person was so convicted is continued after the conviction, he shall (subject to the provisions of section 71 of this Ordinance) be guilty of a further offence and liable to a fine of forty-eight dollars for every day on which the failure was so continued.

(2) The Governor may cause the report of the Court to be made public at such time and in such manner as he thinks fit.

**41.** (1) It shall be the duty of the examining surgeon to investigate and report—

- (a) upon cases of death or injury caused by exposure in a factory to fumes or other noxious substances,

Duty of examining surgeon to investigate and report in certain cases.

or due to any other special cause specified in instructions of the Governor as requiring investigation; and

- (b) upon any case of death, or injury which the inspector for the district in pursuance of any general or special instructions of the Governor may refer to him for that purpose; and
- (c) upon any case of disease of which he receives notice under this Ordinance.

(2) The examining surgeon, for the purpose of an investigation under this section, shall have the like powers an inspector, including power to enter any room in a building to which the person killed, injured, or affected has been removed.

**PART VII**

**EMPLOYMENT OF WOMEN AND YOUNG PERSONS AND PROHIBITION OF EMPLOYMENT OF CHILDREN**

**EMPLOYMENT OF WOMEN AND YOUNG PERSONS.**

Employment of women and young persons in factories.

**42.** No woman or young person shall be employed in a factory otherwise than in accordance with any regulations or orders which may be made by the Governor in Council under section 33 of this Ordinance or any order made by the Governor under section 34 of this Ordinance.

**PROHIBITION OF EMPLOYMENT OF CHILDREN**

Prohibition of employment of children in factories.

**43.** No child shall be employed in any factory, or in the business of a factory outside the factory, or in any business, trade, or process, ancillary to the business of a factory.

**PART VIII**

**SPECIAL APPLICATIONS AND EXTENSIONS.**

**PREMISES IN RESPECT OF WHICH OWNER IS LIABLE**

Premises where part of building is separate factory.

**44.** Where part of a building is let off as a separate factory, the provisions of Part III of this Ordinance with respect to cleanliness and lighting, and the provisions of Part IV of this Ordinance with



respect to prime movers, transmission machinery, hoists and lifts, steam boilers, and the construction and maintenance of floors, passages and stairs, and any regulations or orders made in pursuance of any of the said provisions, shall apply to any part of the building used for the purposes of the factory but not comprised therein, and the owner of the building shall be responsible for any contravention of the said provisions and shall also be responsible, instead of the occupier of the factory, for any contravention as respects the factory of the provisions of Part III of this Ordinance with respect to sanitary conveniences and the provisions of Part IV of this Ordinance with respect to hoists and lifts, steam boilers, means of escape in case of fire, and safety provisions in case of fire, and of any regulations or orders made in pursuance of any of the said provisions, and for the purposes of the last named provisions with respect to means of escape in case of fire and safety provisions in case of fire, the factory shall be deemed to include any part of the building used for the purpose of the factory: Provided that the owner shall be responsible for the cleanliness of sanitary conveniences only when used in common by several tenants, and shall be responsible for any contravention of the provisions, regulations or orders relating to hoists and lifts, steam boilers, means of escape in case of fire, and safety provisions in case of fire, only in so far as the said provisions, regulations or orders relate to matters within his control.

#### ELECTRICAL STATIONS

**45.** (1) The provisions of this Ordinance shall apply to any premises in which persons are regularly employed in or in connection with the processes or operations of generating, transforming or converting, or of switching, controlling or otherwise regulating, electrical energy for supply by way of trade, or for supply for the purposes of any transport undertaking or other industrial or commercial undertaking or of any public building or public institution, or for supply to streets or other public places, as if the premises were a factory and the employer of any person employed in the premises in or in connection with, any such process or operation were the occupier of a factory.

Electrical  
stations.

(2) The provisions of this Ordinance shall also apply to any other premises in which any such processes or operations as aforesaid are carried on or performed for such supply as aforesaid, being premises large enough to admit the entrance of a person after the machinery or plant therein is in position, as if the premises were a factory and the employer of any person employed in the premises in or in connection with any such process or operation were the occupier of a factory.

(3) No such premises as aforesaid shall be excluded from the provisions of this section by reason of the processes or operations being carried on, or the machinery or plant being situated, entirely or partially in the open air.

(4) Subsections (1) and (2) of this section shall not, except in so far as the Governor in Council may by order direct, apply to any premises where the aforesaid processes or operations are only carried on or performed for the immediate purpose of working an electric motor or working any apparatus which consumes electrical energy for lighting, heating, transmitting or receiving messages or communications, or other purposes.

(5) For the purposes of the definition in section 2 of this Ordinance of the expression "factory", electrical energy shall not be deemed to be an article, but save as aforesaid nothing in this section shall affect the application of this Ordinance to factories within the meaning of that definition.

#### INSTITUTIONS

Application of  
Ordinance to  
institutions.

**46.** (1) Where, in any premises forming part of an institution carried on for charitable or reformatory purposes any manual labour is exercised in or incidental to the making, altering, repairing, ornamenting, finishing, washing, cleaning, or adapting for sale, of articles not intended for the use of the institution, but the premises do not constitute a factory, then, nevertheless, the provisions of this Ordinance and any regulations or orders made thereunder shall, subject as hereinafter in this section provided, apply to those premises.

(2) If in any such institution to which this Ordinance applies the persons having the control of the institution (hereinafter referred to as the managers) satisfy the Governor that the only persons working therein are persons who are inmates of and supported by the institution, or persons engaged in the supervision of the work or the management of machinery, and that such work as aforesaid is carried on in good faith for the purposes of the support, education, training, or reformation of persons engaged in it, the Governor may by order direct that so long as the order is in force this Ordinance shall apply to the institution subject to the following modifications:—

- (a) the managers may submit for the approval of the Governor a scheme for the regulation of the hours of employment, intervals for meals, and holidays of the inmates, and if the Governor is satisfied that the provisions of the scheme are not less favourable to the inmates than the corresponding provisions of regulations made under this Ordinance, the Governor may approve the scheme, and upon the scheme being so approved this Ordinance shall, until the approval is revoked, apply as if the provisions of the scheme were substituted for the corresponding provisions of the regulations aforesaid;
- (b) the medical officer of the institution (if any) may, on the application of the managers, be appointed to be the examining surgeon for the institution;
- (c) the provisions of Part X of this Ordinance as to the posting of an abstract and notices shall not apply, but among the particulars required to be shown in the general register there shall be included the prescribed particulars of the scheme, or where no scheme is in force the prescribed particulars as to hours of employment, intervals for meals or rest, and holidays, and other matters dealt with in this Ordinance or in any regulations or orders made thereunder;

- (d) in the case of premises forming part of an institution carried on for reformatory purposes an inspector shall not, without the consent of the managers or of the person having charge of the institution under the managers, examine an inmate of the institution save in the presence of one of the managers or of such person as aforesaid:

Provided that the Governor, on being satisfied that there is reason to believe that a contravention of the provisions of this Ordinance, or of any regulations or orders made thereunder, is taking place in any such institution, may suspend the operation of this paragraph as respects that institution to such extent as he may consider necessary;

- (e) the managers shall, not later than the 15th of January in every year, send to the senior inspector a correct return in the prescribed form, specifying the names of the managers and the name of the person (if any) having charge of the institution under the managers, and such particulars as to the number, age, sex, and employment of the inmates and other persons employed in the work carried on in the institution as may be prescribed, and shall, if they fail to do so, be guilty of an offence and liable to a fine of twenty-four dollars.

(3) This Ordinance shall not, except in so far as the Governor may by order direct, apply to any premises which do not constitute a factory if the premises are subject to inspection by or under the authority of a Government department.

#### DOCKS, WHARVES, QUAYS, WAREHOUSES AND SHIPS

Docks, wharves,  
quays and  
warehouses.

**47.** (1) The provisions of this Ordinance hereinafter in this subsection mentioned 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 the Trinidad Government Railway) 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; and as if the person having actual use or occupation of it or of any premises within it or forming part of it, were the occupier of a factory, that is to say—

- (a) the provisions of Part III with respect to sanitary conveniences;
- (b) the provisions of Part IV with respect to hoists and lifts, steam boilers, and air pressure containers so, however, that the owner of the hoist or lift, boiler, or air pressure container, as the case may be, shall, instead of the person deemed to be the occupier, be responsible for the observance of the said provisions and in the event of a contravention thereof shall be guilty of an offence;
- (c) the provisions of Part IV with respect to prime movers, transmission machinery, other machinery, construction and maintenance of fencing, construction and sale of new machinery, cleaning of machinery in motion, and the power of a Court of summary jurisdiction to make orders as to dangerous factories, conditions and practices;
- (d) the provisions of Part V with respect to the power to make regulations and orders and the power to take samples;
- (e) Parts VI and VII;
- (f) the provisions of Part VIII with respect to premises where part of a building is a separate factory;
- (g) the provisions of Part X with respect to the abstract of this Ordinance and notices, regulations, orders, general registers (so far as applicable), preservation of registers and records, duties of persons employed, prohibition of deductions

from wages, and weights, measures and weighing and measuring instruments used in ascertaining wages;

- (h) the provisions of Part XI with respect to powers and duties of inspectors and to regulations and orders of the Governor in Council or the Governor;
- (i) Part XII;
- (j) the provisions of Part XIII with respect to Crown Factories;
- (k) Part XIV.

(2) Subject as hereinafter in this subsection provided, the provisions of this Ordinance mentioned in paragraph (b) (subject to the modifications mentioned in that paragraph), in paragraph (c) (except the provisions with respect to construction and sale of new machinery), and in paragraphs (d), (e), (g), (h), (i) and (j) of the foregoing subsection shall apply to the processes of loading, unloading or coaling of any ship in any dock, harbour or canal, and to all machinery or plant used in those processes, as if the processes were carried on in a factory and the machinery or plant were machinery, or plant in a factory, and the person who carries on those processes were the occupier of a factory: Provided that the provisions of this Ordinance mentioned in the said paragraphs (b) and (c) shall not apply in relation to any such machinery or plant which is on board a ship (other than a ship owned or worked by or on behalf of the Government, or any owner or hirer resident in the Colony, and ordinarily used within the territorial waters of the Colony) and is the property of the ship owner: Provided also that the provisions mentioned in the said paragraph (c) with respect to construction and sale of new machinery shall not apply in relation to any such machinery which is installed or intended to be installed on board any ship.

For the purposes of this subsection, the expression “plant” includes any gangway or ladder used by any person employed to load or unload or coal a ship.

(3) The provisions of Part IV of this Ordinance with respect to dangerous ways, works or plant, construction and maintenance of floors, passages and stairs, safe means of access and place of employment, means of escape in case of fire, and safety provisions in case of fire 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.

**48.** (1) Subject as hereinafter in this section provided, the provisions of this Ordinance hereinafter in this section mentioned shall apply to any work carried out in a harbour or wet dock in constructing, reconstructing, repairing, refitting, painting, finishing or breaking up a ship or in scaling, scurfing or cleaning boilers (including combustion chambers and smoke boxes) in a ship, or in cleaning oil-fuel tanks or bilges in a ship, that is to say—

Construction,  
repair, breaking  
up, etc., of  
ships.

- (a) the provisions of Part IV with respect to prime movers, transmission machinery, other machinery, construction and maintenance of fencing, cleaning of machinery in motion, hoists and lifts, steam boilers, and air pressure containers:

Provided that the said provisions with respect to prime movers, transmission machinery, other machinery, construction and maintenance of fencing, hoists and lifts, steam boilers, and air pressure containers shall not apply in relation to any such machinery or plant which is on board the ship (other than a ship owned or worked by or on behalf of the Government, or any owner or hirer resident in the Colony, and ordinarily used within the territorial waters of the Colony) and is the property of the ship owner and is ordinarily used in the working of the ship;

- (b) the provisions of Part V with respect to the power to make regulations and orders and the power to take samples;

- (c) Parts VI and VII
- (d) the provisions of Part X with respect to general registers (so far as applicable), preservation of registers and records, duties of persons employed and the prohibition of deductions from wages;
- (e) the provisions of Part XI with respect to powers and duties of inspectors and to regulations and orders of the Governor in Council or the Governor;
- (f) Part XII;
- (g) the provisions of Part XIII with respect to Crown Factories;
- (h) Part XIV,

and for the purpose of such provisions the ship shall be deemed to be a factory, and any person undertaking such work shall be deemed to be the occupier of a factory.

(2) Nothing in this Ordinance shall apply to any such work as aforesaid done by the master or crew of a ship or done on board a ship during a trial run.

#### WORKS OF BUILDING AND ENGINEERING CONSTRUCTION

Building operations and works of engineering construction.

**49.** (1) Subject as hereinafter in this section provided, the provisions of this Ordinance hereinafter in this subsection mentioned shall apply to building operations and works of engineering construction undertaken by way of trade or business, or for the purpose of any industrial or commercial undertaking, and to any line or siding which is used in connection therewith and for the purposes thereof and is not part of the Trinidad Government Railway, that is to say—

- (a) the provisions of Part III with respect to sanitary conveniences;
- (b) the provisions of Part IV with respect to prime movers, transmission machinery, other machinery, construction and maintenance of fencing, construction, and sale of new machinery, cleaning of machinery in motion, steam boilers,



air pressure containers and the power of a Court of summary jurisdiction to make orders as to dangerous conditions and practices;

- (c) the provisions of Part V with respect to the power to make regulations and orders and the power to take samples;
- (d) Parts VI and VII;
- (e) the provisions of Part X with respect to the abstract of this Ordinance and notices, regulations, orders, general registers (so far as applicable), preservation of registers and records, duties of persons employed, and the prohibition of deductions from wages;
- (f) the provisions of Part XI with respect to powers and duties of inspectors and local health authorities and to regulations and orders of the Governor in Council or the Governor:

Provided that no order made under the provisions of this Ordinance with respect to the powers of a Court of summary jurisdiction to make orders as to dangerous conditions and practices, and no regulations or orders made under Part V of this Ordinance, shall operate so as to interfere with the design of any works of engineering construction or with the adoption in the execution of those works of any method prescribed in specification or in any signed plans issued, or written directions given, by the consulting engineer or the engineer in charge being a method which is not inconsistent with the safety of the works or of the persons employed;

- (g) Parts XII, XIII and XIV.

(2) The provisions of this Ordinance in their application to building operations and work of engineering construction shall have effect as if any place where such operations or works are carried on were a factory and any person undertaking any such

operations or works to which this Ordinance applies were the occupier of a factory: Provided that such of the provisions of this Ordinance as require general registers to be kept and copies of the prescribed abstract of this Ordinance and of regulations or orders or the prescribed abstract of such regulations or orders to be kept posted up on the premises, shall be deemed to be complied with as respects building operations and works of engineering construction if the general register is kept at an office of the person undertaking the said operations or works, and copies of the abstract of this Ordinance and of the regulations or orders or abstract thereof are kept posted up at each office, yard, or shop, of the person undertaking the operations or works at which persons employed by him on the operations or works attend, and in a position where they can easily be read by such persons.

(3) Any person undertaking any building operations or works of engineering construction to which this Ordinance applies shall, not later than seven days after the beginning thereof, serve on the inspector for the district a written notice stating the name and postal address of the person so undertaking the operations or works, the place and nature of the operations or works, whether any mechanical power is used and, if so, its nature, the name of the local health authority within whose district the operations or works are situated and such other particulars as may be prescribed: Provided that—

- (a) this subsection shall not apply to any operations or works which the person undertaking them has reasonable grounds for believing will be completed in a period of less than six weeks, except in such cases as the senior inspector may direct; and
- (b) where a person undertakes any building operations or works of engineering construction in a place where such operations or works are in progress, he shall not be required to give such a notice as aforesaid if a notice was given in respect of the operations or works in progress.

## PART IX

## HOME WORK

**50.** (1) In the case of persons employed in such classes of work as may from time to time be specified by order of the Governor, the occupier of every factory and every contractor employed by any such occupier in the business of the factory shall—

Lists of outworkers to be kept in certain trades.

- (a) keep in the prescribed form and manner, and with the prescribed particulars, lists showing the names and addresses of all persons (hereinafter referred to as outworkers) directly employed by him, either as workers or as contractors, in the business of the factory, outside the factory, and of the places where they are employed; and
- (b) send to an inspector such copies of or extracts from those lists as the inspector may from time to time require; and
- (c) send to the local health authority during the month of February and the month of August in each year copies of those lists, showing all outworkers so employed by him during the preceding six months.

(2) Every local health authority shall cause the lists received by the authority in pursuance of this section to be examined, and shall furnish the name and place of employment of every outworker included in any such list whose place of employment is outside the district of the authority to the authority in whose district the outworker's place of employment is.

(3) The lists kept by the occupier or contractor shall be open to inspection by any inspector, and by any officer duly authorised by the local health authority, and the copies sent to the authority and the particulars furnished by one authority to another shall be open to inspection by any inspector or officer of any Government department.

(4) This section shall apply to any place from which any work is given out in connection with the business of a factory

(whether the materials for the work are supplied by the occupier or not), and to the occupier of that place, and to every contractor employed by the occupier in connection with the said work, as if that place were a factory.

(5) In the event of a contravention of this section by the occupier of a factory or place or by a contractor the occupier or contractor shall be guilty of an offence and liable to a fine of forty-eight dollars.

Employment of persons in unwholesome premises.

**51.** (1) Where work in respect of which the last preceding section applies is carried on for the purpose of or in connection with the business of a factory in any place which is, in the opinion of the local health authority, injurious or dangerous to the health of the persons employed therein, the local health authority may give notice in writing to the occupier of the factory, or to any contractor employed by him, setting forth particulars of the respects in which the place is, in their opinion, so injurious or dangerous, and the reasons for that opinion and, if the occupier or contractor after the expiration of ten days from the receipt of such notice gives out work to be done in that place, he shall, unless it is proved to the satisfaction of the Court dealing with the case that the place is not injurious or dangerous in the respects set forth in the notice, be guilty of an offence.

(2) For the purpose of this section, any place from which work is given out shall be deemed to be a factory.

#### PART X

#### MISCELLANEOUS

Notice of occupation of factory, and use of mechanical power.

**52.** (1) Every person shall, within one month after he begins to occupy, or to use any premises as, a factory, serve on the inspector and the local health authority for the district a written notice stating the name of the occupier or the title of the firm, the postal address of the factory, the nature of the work, whether mechanical power is used and, if so, its nature, the name of the local health authority within whose district the factory is situated and such other particulars as may be prescribed, and if he fails to do so, he shall

be guilty of an offence and liable to a fine of one hundred dollars or five dollars for each day since the expiration of the month aforesaid, whichever is the greater.

(2) Within one month of the date upon which mechanical power is, after the commencement of this Ordinance, first used in any factory, the occupier shall serve on the inspector and the local health authority for the district a written notice stating the nature of such mechanical power.

**53.** (1) There shall be kept posted at the principal entrances of a factory at which employed persons enter—

- (a) the prescribed abstract of this Ordinance; and
- (b) a notice of the address of the inspector for the district and the senior inspector; and
- (c) a notice of the name and address of the examining surgeon for the factory; and
- (d) a notice specifying the clock (if any) by which the period of employment and intervals for meals and rest in the factory are regulated; and
- (e) printed copies of all regulations or orders for the time being in force in the factory or the prescribed abstract of such regulations or orders; and
- (f) every notice and document required by this Ordinance to be posted in the factory:

Posting of abstract of Ordinance and regulations, orders and notices.

Provided that an inspector may direct that all or any of the aforesaid documents shall be posted in such parts of the factory, either in addition to or in substitution for the said principal entrances, as he may direct.

(2) All such documents shall be posted in such characters and in such positions as to be conveniently read by persons employed in the factory and if a form has been prescribed for any document, it shall be posted in that form.

(3) A printed copy of all such regulations or orders as aforesaid shall be given by the occupier to any person affected thereby on his application.

(4) If any person pulls down, injures or defaces any abstract, notice, regulations or other document posted in pursuance of this Ordinance, he shall be guilty of an offence and liable to a fine of twenty-four dollars.

General registers.

**54.** (1) There shall be kept in every factory, or in such place outside the factory as may be approved by the inspector for the district, a register, in the prescribed form, called the general register, and there shall be entered in or attached to that register—

- (a) the prescribed particulars as to the young persons employed in the factory; and
- (b) the prescribed particulars as to the washing, white-washing or colour washing, painting or varnishing of the factory; and
- (c) the prescribed particulars as to every accident and case of industrial disease occurring in the factory of which notice is required to be sent to an inspector; and
- (d) all reports and particulars required by any other provision of this Ordinance or of any regulations or orders made thereunder to be entered in or attached to the general register; and
- (e) such other matters with respect to the provisions of this Ordinance or of any regulations or orders made thereunder as may be prescribed.

(2) There shall be attached to the general register a copy of the certificate of the fire authority relating to means of escape in the case of fire.

(3) 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 Ordinance.

Preservation of registers and records.

**55.** The general register and every other register or record kept in pursuance of this Ordinance shall be preserved and shall be kept available for inspection by any inspector or by the examining

surgeon for at least two years, or such other period 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.

**56.** (1) The occupier of every factory shall, at intervals of not less than one year, on or before such days as the Governor may direct, send to the senior inspector a correct return specifying, with respect to such day or days, or such period as the Governor may direct, the number of persons employed in the factory, and giving such particulars as may be prescribed, as to the hours of employment of women and young persons employed, as to the age, sex, and occupation of all persons employed, and as to such other matters, if any, as the Governor may direct.

Periodical return  
of persons  
employed.

(2) The occupier of any place to which any provisions of this Ordinance apply shall, if so required by the Governor, make a like return to the senior inspector.

(3) The Governor may, for the purpose of facilitating the rendering of the returns under this section by occupiers, arrange for the consolidation of those returns with any other returns which any Government department is empowered to call for from occupiers.

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

Duties of  
persons  
employed.

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

(3) If any person employed in a factory or in any other place to which any provisions of this Ordinance apply

wilfully and without reasonable cause neglects his duty to the extent of endangering himself or others, he shall be guilty of an offence.

Prohibition of deductions from wages.

**58.** Save as otherwise expressly provided under this Ordinance, the occupier of a factory shall not, in respect of anything to be done or provided by him in pursuance of this Ordinance, make any deduction from the sum contracted to be paid by him to any person employed, or receive, or allow any person in his employment to receive, any payment from any such person.

Weights, measures and weighing and measuring instruments used in, ascertaining wages.

**59.** (1) Every Ordinance, regulation or order for the time being in force relating to weights and measures or weighing or measuring instruments shall extend to weights, measures, and weighing or measuring instruments used in a factory for the purpose of checking or ascertaining the wages of any person employed therein, in like manner as if they were used for trade.

(2) Every inspector or other person authorised under the Ordinances, regulations or orders relating to weights and measures or weighing or measuring instruments to inspect or examine weights and measures shall inspect, stamp, mark, search for, and examine the weights and measures and weighing and measuring instruments to which those Ordinances, regulations or orders are extended by or under this section, and for that purpose shall have the same powers and duties as he has with respect to weights, measures and instruments used for trade.

Penalty for disclosure of trade secrets.

**60.** If any person who, in pursuance of powers conferred by this Ordinance or any regulations or orders made thereunder, enters or is admitted into any factory or place discloses, without the permission of the occupier, to any person any information obtained by him in a factory or place with regard to any manufacturing process or trade secret, he shall, unless such disclosure was made in the performance of his duty, be guilty of an offence and liable to a fine of four hundred and eighty dollars or imprisonment for three months.



PART XI  
ADMINISTRATION

**61.** (1) The Governor in Council may appoint such inspectors, clerks and servants as he thinks necessary for the execution of this Ordinance, and may assign to them their duties, and may appoint a senior inspector with an office in Port-of-Spain, and may regulate the cases and manner in which the inspectors, or any of them, are to execute and perform the powers and duties of inspectors under this Ordinance. The officers appointed under this section shall be under the direction and control of the head of such department of Government, or otherwise, as the Governor in Council may direct.

Appointment and duties of inspectors clerks and servants.

(2) Notice of the appointment of every inspector shall be published in the *Royal Gazette*.

(3) A person who is the occupier of a factory, or is directly or indirectly interested therein or in any process or business carried on therein, or in a patent connected therewith, or is employed in or about a factory, shall not act as an inspector.

(4) An inspector shall not be liable to serve on any jury.

(5) Such annual report of the proceedings of the inspectors as the Governor may direct shall be laid before the Legislative Council.

**62.** (1) An inspector shall, for the purpose of the execution of this Ordinance, have power to do all or any of the following things, that is to say—

Powers of inspectors.

- (a) to enter, inspect; and examine at all reasonable times, by day and night, a factory, and every part thereof, when he has reasonable cause to believe that any person is employed therein, and to enter by day any place which he has reasonable cause to believe to be a factory and any part of any building of which a factory forms part and in which he has reasonable cause to believe that explosive or highly inflammable materials are stored or used;

- (b) to enter any building or place in which he has reasonable cause to believe that a steam boiler, or a hoist or lift, or an air pressure container is worked or used, whether such building or place is one to which this Ordinance applies or not;
- (c) to take with him a constable if he has reasonable cause to apprehend any serious obstruction in the execution of his duty;
- (d) to require the production of the registers, certificates, notices, and documents kept in pursuance of this Ordinance or of any regulations or orders made thereunder, and to inspect, examine, and copy any of them;
- (e) to make such examination and inquiry as may be necessary to ascertain whether the provisions of this Ordinance and of any regulations or orders made thereunder and the Ordinances, regulations and orders for the time being in force relating to public health are complied with, so far as respects a factory and any persons employed in a factory and any young persons to whom any regulations or orders under this Ordinance apply;
- (f) to require any person whom he finds in a factory to give such information as it is in his power to give as to who is the occupier of the factory;
- (g) to examine, either alone or in the presence of another person, as he thinks fit, with respect to matters under this Ordinance, every person whom he finds in a factory, or whom he has reasonable cause to believe to be or to have been within the preceding two months employed in a factory or in any employment mentioned in any of the said regulations or orders under this Ordinance, and to require every such person to be so examined and to sign a declaration of the truth of the matters respecting which he is so examined; so, however, that no one shall be required under this provision

to answer any question or to give any evidence tending to criminate himself;

(h) to exercise such other powers as may be necessary for carrying this Ordinance into effect.

(2) The occupier of every factory, his agents and servants, shall furnish the means required by an inspector as necessary for an entry, inspection, examination, inquiry, the taking of samples, or otherwise for the exercise of his powers under this Ordinance in relation to that factory.

(3) If any person wilfully delays an inspector in the exercise of any power under this section, or fails to comply with the requisition of an inspector in pursuance of this section, or to produce any register, certificate, notice or document which he is required by or in pursuance of this Ordinance to produce, or wilfully withholds any information as to who is the occupier of any factory, or conceals or prevents, or attempts to conceal or prevent, a person from appearing before or being examined by an inspector, that person shall be deemed to obstruct an inspector in the execution of his duties under this Ordinance.

(4) Where an inspector is obstructed in the execution of his powers or duties under this Ordinance, the person obstructing him shall be guilty of an offence, and liable to a fine of forty-eight dollars; and where an inspector is so obstructed in a factory, the occupier of that factory shall be guilty of an offence.

(5) Any certificate issued by the senior inspector or an inspector for a district may be issued for a limited period or without limit of period and may be varied or revoked by that inspector or his successor in office.

**63.** An inspector, if authorised by the Governor, may, although he is not of counsel, or a solicitor, prosecute, conduct, or defend before a Court of summary jurisdiction any information, complaint, or other proceeding arising under this Ordinance, or in the discharge of his duty as inspector.

Power of inspectors to conduct proceedings before magistrates.

**64.** Every inspector shall be furnished with the prescribed certificate of his appointment, and when visiting a factory or place

Certificate of appointment of inspector.

to which any of the provisions of this Ordinance or any regulations or orders made thereunder apply shall, if so required, produce the said certificate to the occupier or other person holding a responsible position of management at the factory.

Appointment  
and duties of  
examining  
surgeons.

**65.** (1) The Governor may appoint a sufficient number of duly qualified medical practitioners who are members of the Medical Board of the Colony to be examining surgeons for any of the purposes of this Ordinance, and may revoke any such appointment.

(2) A medical practitioner who is the occupier of a factory, or is directly or indirectly interested therein, or in any process or business carried on therein, or in a patent connected therewith, shall not act as examining surgeon for that factory: Provided that the Governor may authorise a medical practitioner who is employed by the occupier of the factory in connection with the medical supervision of persons employed in the factory, but is not otherwise interested in the factory to act as examining surgeon for that factory for the purpose of examining and certifying the fitness of young persons.

(3) The examining surgeon for any factory shall have power at all reasonable times to inspect the general register of that factory.

(4) The Governor may make rules regulating the duties of examining surgeons.

(5) An examining surgeon shall, if so directed by the Governor, make such special inquiry and examination of employed persons as may be directed.

(6) Every examining surgeon shall in each year make at the prescribed time a report in the prescribed form to the head of department appointed under section 61 of this Ordinance to be in direction and control of the inspectorate, and such other officer as the Governor may direct, as to examinations made and other duties performed by him in pursuance of this Ordinance.

Fees of  
examining  
surgeons.

**66.** The fees to be paid to examining surgeons for carrying out their duties under this Ordinance shall, so far as they relate to

any examination or certificate with respect to the fitness of a young person for employment in a factory, or to any examination or medical supervision of persons employed in a factory carried out in pursuance of regulations or an order under this Ordinance, be paid by the occupier of that factory, and in any other case shall be defrayed as an expense of carrying this Ordinance into effect, and the fees shall, subject to any agreement between the examining surgeon and the occupier of a factory as respects the fees payable by the occupier, be of such amount as may be determined by the Governor.

**67.** (1) The medical officer of health of every local health authority shall—

Provisions as to local health authorities.

- (a) in his annual report to the authority report specifically on the administration of, and furnish the prescribed particulars with respect to, the matters under Part III and Part IX of this Ordinance which are administered by the local health authority, and shall send a copy of his annual report or so much of it as deals with those matters to the Central Board of Health and the head of department appointed under section 61 of this Ordinance to be in direction and control of the inspectorate; and
- (b) give written notice to the inspector for the district of any factory coming to his knowledge in which no abstract of this Ordinance is affixed in accordance with this Ordinance.

(2) An officer of any local health authority appointed for the purpose of inspection of factories shall give a written notice to the inspector for the district of any factory coming to his knowledge in which no abstract of this Ordinance is affixed in accordance with this Ordinance.

(3) For the purpose of their duties under this Ordinance, a local health authority, and their officers shall, without prejudice to their other powers, have all such powers of entry, inspection,

taking legal proceedings, or otherwise, as an inspector has; and accordingly in relation to their said duties the provisions of this Ordinance as to furnishing means required by an inspector, and delaying or obstructing an inspector, shall be construed as including references to such officers; but no such powers of entry or inspection shall be exercised except by officers of the authority authorised by them in writing in that behalf, either generally or specially, and any such officer shall if so required produce his authority to the occupier or other person holding a responsible position of management at the factory.

Provisions as to regulations and orders by Governor in council or Governor. Schedule.

**68.** (1) The provisions contained in the Schedule to this Ordinance shall apply to all regulations made by the Governor in Council under this Ordinance.

(2) Any regulations or orders made by the Governor in Council under this Ordinance may be made for a limited period or without limit of period and may be made subject to such conditions as he thinks fit, and may contain such supplemental and consequential provisions as he considers necessary for giving full effect to the regulations or orders.

(3) Any order made by the Governor under this Ordinance may be made for a limited period or without limit of period and may be made subject to such conditions as he thinks fit, and may contain such supplemental and consequential provisions as he considers necessary for giving full effect to the order.

**PART XII**

**SUPPLEMENTARY**

**OFFENCES, PENALTIES AND LEGAL PROCEEDINGS**

Offences.

**69.** (1) In the event of a contravention in or in connection with or in relation to a factory of any of the provisions of this Ordinance or any regulations or orders made thereunder, the occupier or (if the contravention is one in respect of which the owner is by or under this Ordinance made responsible) the owner of the factory shall, subject as hereinafter in this Ordinance provided, be guilty of an offence.

(2) In the event of a contravention by an employed person of the provisions of Part X of this Ordinance with respect to duties of persons employed, or of a contravention by any person of any regulation or order made under this Ordinance 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 in respect of that contravention unless it is proved that he failed to take all reasonable steps to prevent the contravention.

(3) If any persons are employed in a factory otherwise than in accordance with the provisions of this Ordinance or of any regulations or orders made thereunder, there shall be deemed to be a separate contravention in respect of each person so employed.

(4) Where an offence under this Ordinance committed by a company is proved to have been committed with the consent or connivance of, or to have been facilitated by any neglect on the part of, any director, manager, secretary, or other officer of the company, he, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

**70.** Subject as hereinafter in this Ordinance provided, any person guilty of an offence under this Ordinance for which no express penalty is provided by this Ordinance shall be liable to a fine of one hundred and twenty dollars, and, if the contravention in respect of which he was convicted is continued after the conviction he shall (subject to the provisions of section 71, of this Ordinance) be guilty of a further offence and liable to a fine of twenty-four dollars for each day on which the contravention was so continued.

Fines for offences for which no express penalty provided.

**71.** Where the occupier or owner of a factory is convicted of an offence under this Ordinance, the Court may, in addition to or instead of inflicting a fine, 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

Power of court to order cause of contravention to be remedied.

an order is made, the occupier or owner shall not be liable under this Ordinance 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 of twenty-four dollars for each day on which the non-compliance continues.

Fines in case of death or injury.

**72.** 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 Ordinance or of any regulations or orders made thereunder, the occupier or owner of the factory shall, without prejudice to any other penalty, be liable to a fine of four hundred and eighty dollars; 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 Governor determines:

Provided that—

- (a) in the case of injury to health, the occupier or owner shall not be liable to a fine under this section unless the injury was caused directly by the contravention; and
- (b) the occupier or owner shall not be liable to a fine under this section if an information against him under this Ordinance 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.

Fine for offence by parent.

**73.** If a child is employed in contravention of the provisions of Part VII of this Ordinance or a young person is employed in any factory or place in contravention of the provisions of this Ordinance or any regulations or orders made thereunder, the parent of the child or young person, as the case may be, shall be guilty of an offence and liable to a fine of twenty-four dollars, unless it appears to the Court that the contravention occurred without the consent, connivance, or wilful default of the parent.



74. If any person—

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

Forgery of certificates, false entries and false declarations.

he shall, without prejudice to any other penalty, be guilty of an offence under this Ordinance, and liable to a fine of four hundred and eighty dollars, or to imprisonment for three months.

75. Where an act or default for which an occupier or owner is liable under this Ordinance is in fact the act or default of some agent, servant, worker or other person, that agent, servant, worker

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

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or other person shall be guilty of an offence and liable to the like fine as if he were the occupier or owner, as the case may be.

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

**76.** (1) Where the occupier or owner of a factory is charged with an offence under this Ordinance, he shall be entitled, upon information duly laid 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 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—

- (a) that he has used all due diligence to enforce the execution of this Ordinance and of any relevant regulations or orders 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 summarily 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 shall 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 Ordinance; 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.

**77.** Where, under this Ordinance, any person is substituted for the occupier or owner with respect to any provisions of this Ordinance or any regulations or orders made thereunder, any order, summons, notice, or proceeding, which for the purpose of any of those provisions is by or under this Ordinance required or authorised to be served on or taken in relation to the occupier or owner, is 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.

**78.** 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 Ordinance 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.

Owner of machine liable in certain cases instead of occupier.

**79.** (1) All offences under this Ordinance shall be prosecuted and all fines under this Ordinance shall be recovered summarily.

Prosecution of offence and recovery and application of fines.

(2) In any proceedings under this Ordinance it shall be sufficient in the information to allege that the factory is a factory within the meaning of this Ordinance and to state the name of the ostensible occupier of the factory, or, where the occupier is a firm, the title of the firm.

(3) The Court shall, in any proceedings under this Ordinance, cause minutes of the evidence to be taken and preserved.

(4) Where, with respect to or in consequence of any accident in a factory, a report is made by the Court appointed to hold a formal investigation under this Ordinance, or a coroner's inquest is held, and it appears from the report, or from the proceedings at the inquest, that any of the provisions of this Ordinance or any regulations or orders made thereunder were not

complied with at or before the time of the accident, summary proceedings against any person liable to be proceeded against in respect of such non-compliance may be commenced at any time within six months after the making of the report or the conclusion of the inquest.

(5) Where any offence is committed under this Ordinance 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 Ordinance or any regulations or orders 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.

(6) Subject to the provisions of section 67 of the Summary Courts Ordinance all fines imposed under this Ordinance shall, save as otherwise expressly provided for by this Ordinance, be paid into the Treasury.

(7) Where a proceeding is taken before a Court of summary jurisdiction with respect to an offence under this Ordinance alleged to be committed in or with reference to a factory, no Magistrate shall be qualified to hear and determine the case who is the husband, parent, guardian, son or brother of the occupier or owner of the factory, or has an interest in the factory.

Appeal from)  
orders made on  
complaint.

**80.** Any person aggrieved by an order made by a Court of summary jurisdiction on determining a complaint under this Ordinance may appeal therefrom to the Supreme Court.

Special  
provisions as to  
evidence.

**81.** (1) If a person is found in a factory at any time at which work is going on or the 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 Ordinance 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 in any proceedings under this Ordinance with respect to a young person it appears to the Court that that young person is apparently of or below the age alleged by the informant,

it shall lie on the defendant to prove that the young person is not of or below that age.

(3) Where any entry is required by this Ordinance or by any regulations or orders 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 Ordinance or of any regulations or orders made thereunder has not been made, shall be admissible as evidence that that provision has not been observed.

**82.** (1) Any document (including any summons or order) required or authorised to be served under this Ordinance may be served—

Service and  
sending of  
documents, etc.

- (a) on any person by delivering it to him, or by leaving it at, or sending it by registered post to, his residence;
- (b) on any firm by delivering it to any partner of the firm, or leaving it at, or sending it by registered 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 to which the Companies Ordinance applies), in any such manner as aforesaid, or by delivering it, or a true copy thereof, to any person in a position of responsibility 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 Ordinance to be sent to any person, firm, owner or occupier, and to the sending, addressing, and delivery of such documents.

Certificates  
of birth.

**83.** Where the age of any person is required to be ascertained or proved for the purposes of this Ordinance any person shall, on presenting a written requisition in such form and containing such particulars as may be from time to time prescribed and on payment of a fee of twelve cents be entitled to obtain a certified extract under the hand of a registrar or superintendent registrar of the entry in the register under the Births and Deaths Registration Ordinance of the birth of that person; and such form of requisition shall on request be supplied without charge by every superintendent registrar and registrar of births, deaths and marriages.

Power of Court  
to modify  
agreements.

**84.** If by reason of an agreement between the owner and the occupier of premises, the whole or any part of which has been let as a factory, the said owner or occupier is prevented from carrying out any structural or other alterations in the premises which are necessary to enable him to comply with the provisions of this Ordinance or any regulations or orders made thereunder, or in order to conform with any standard or requirement imposed by or under this Ordinance, he may apply to a Court of summary jurisdiction, and the Court, after hearing the parties and any witnesses whom they desire to call, may make such an order setting aside or modifying the terms of the agreement as the Court considers just and equitable in the circumstances of the case.

Power of Court  
to apportion  
expenses.

**85.** Where in any premises the whole or any part of which has been let as a factory any structural or other alterations are required in order to comply with the provisions of this Ordinance or any regulations or orders made thereunder, or in order to conform with any standard or requirement imposed by or under this Ordinance, and the owner or occupier as the case may be alleges that the whole or part of the expenses of the alterations ought to be borne by the occupier or owner, the owner or occupier may apply to a Court of summary jurisdiction, and the Court, after hearing the parties and any witnesses whom they desire to call, may make such an order concerning the expenses or their apportionment as the Court considers just and equitable in the circumstances of the case, regard being had to the terms of any contract between the parties, or in the alternative the Court may at the request of the owner or occupier determine the lease.

## PART XIII

## APPLICATION OF ORDINANCE

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

General application of Ordinance.

**87.** (1) This Ordinance applies to factories belonging to or in the occupation of the Crown and to building operations and works of engineering construction undertaken by or on behalf of the Crown; but in case of any public emergency the Governor in Council may, by order, to the extent and during the period named in the order, exempt from this Ordinance any factory belonging to the Crown or any building operations or works of engineering construction undertaken by or on behalf of the Crown, or any factory in respect of work which is being done on behalf of the Crown.

Application to factories belonging to the Crown.

(2) The powers conferred by this Ordinance on a local health authority shall, in the case of a factory belonging to or in the occupation of the Crown, or building operations or works of engineering construction undertaken by or on behalf of the Crown, be exercised by an inspector under this Ordinance; and any notice required by this Ordinance to be sent to a local health authority shall in any such case be sent to the inspector for the district.

## PART XIV

## GENERAL

**88.** Where in any premises which are subject to inspection by or under the authority of any Government department any manual labour is exercised, otherwise than for the purposes of instruction, in or incidental to the making, altering, repairing, ornamenting, finishing, washing, cleaning, or adapting for sale, of any article, and the premises do not constitute a factory, the Governor may, if he thinks fit, instruct the department that the premises shall, as respects the matters dealt with by this Ordinance, be inspected

Inspection of certain premises.

by an inspector appointed under this Ordinance, and where such an instruction is given, such inspectors shall have, as respects such matters as aforesaid, the like right of entry and inspection as is conferred on inspectors or other officers of the department concerned.

(Section 68).

## SCHEDULE

### PROCEDURE FOR MAKING REGULATIONS

(1) Before the Governor in Council makes any regulations, he shall publish in the *Royal Gazette* and in such other manner as he may think best adapted for informing persons affected, notice of the proposal to make the regulations, and of the place where copies of the draft regulations may be obtained, and of the time (which shall be not less than twenty-one days) within which any objection made with respect to the draft regulations by or on behalf of persons affected must be sent to the Governor in Council.

(2) Every objection must be in writing and state—

- (a) the specific grounds of objections; and
- (b) the omissions, additions, or modifications asked for.

(3) The Governor in Council shall consider any objection made by or on behalf of any persons appearing to him to be affected which is sent to him within the required time, and he may, if he thinks fit, amend the draft regulations, and, after doing so, he shall, unless an inquiry has been held under this Schedule, cause the amended draft to be dealt with in like manner as an original draft.

(4) If after the publication of the notice with respect to any draft regulations (whether an original or amended draft) any general objection as hereinafter defined is made within the required time with respect to the draft and not withdrawn, then, unless a previous inquiry under this Schedule has been held with respect to the, draft or some previous draft of the regulations or the Governor in Council withdraws the draft regulations, he shall, before making the regulations, direct an inquiry to be held in the manner hereinafter provided. The Governor in Council may, if he thinks fit, also direct such an inquiry to be held in regard to any objection-, notwithstanding that no such general objection has been made or that such a previous inquiry has been held as aforesaid.



(5) Where any such inquiry is to be held as to any draft regulations, the following provisions shall have effect with respect to the inquiry—

- (a) the Governor in Council shall appoint a competent person or competent persons to hold the inquiry, and to report to him thereon;
- (b) the inquiry shall be held in public, and the senior inspector and any objector and any other person who, in the opinion of the person holding the inquiry or, if there is more than one such person, of the person presiding over the inquiry, is affected by the draft regulations, may appear at the inquiry either in person or by counsel, solicitor, or agent;
- (c) the witnesses may, if the person holding or presiding over the inquiry thinks fit, be examined on oath;
- (d) subject as aforesaid, the inquiry and all proceedings preliminary and incidental thereto shall be conducted in accordance with rules made by the Governor in Council, and the rules may make provision as to the cost of the inquiry and other proceedings, including the remuneration of the person or persons holding the inquiry.

(6) For the purposes of this Schedule the expression “general objection” means, as respects any draft regulations, an objection made—

- (a) by or on behalf of the majority of the occupiers of the factories affected by the draft regulations, or by or on behalf of the occupier or occupiers employing a majority of the persons employed in those factories; or by any person who satisfies the Governor in Council that he, or an association on behalf of which he acts, represents a majority of the persons employed in those factories; or
- (b) by or on behalf of the majority of the occupiers of any class or description of factories affected as respects which it appears to the Governor in Council that, by reason of special conditions existing in connection therewith, there is reason to believe that any of the requirements of the draft regulations may be unnecessary or inappropriate in the case of that class or description, or by or on behalf of the occupier or occupiers employing a majority of the persons employed in any such class or description of factories as aforesaid; or by any person who satisfies the Governor in Council that he, or an association on behalf of which he acts, represents a majority of the persons employed in any such class or description of factories as aforesaid.