

ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

The Safety of Employees (Miscellaneous Provisions) Ordinance, 1952 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

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Recueil d'Ordonnances Tome X, p. 194; as amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); the States Civil Service Board (Implementation) Ordinance, 1964 (Recueil d'Ordonnances Tome XIV, p. 4); the Health and Safety at Work (General) (Guernsey) Ordinance, 1987 (Recueil d'Ordonnances Tome XXIV, p. 162); the Transfer of Functions Ordinance, 1991 (Recueil d'Ordonnances Tome XXV, p. 328); the Board of Employment, Industry and Commerce (Transfer of Functions) Ordinance, 1996 (No. XXXI of 1996, Recueil d'Ordonnances Tome XXVII, p. 139); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016). See also the Education (Guernsey) Law, 1970 (Ordres en Conseil Vol. XXII, p. 318); the Safety of Employees (First-Aid and Welfare) Ordinance, 1954 (Recueil d'Ordonnances Tome XI, p. 49); the Safety of Employees (Woodworking Machinery) Ordinance, 1959 (Recueil d'Ordonnances Tome XII, p. 202); the Health and Safety at Work (General) (Guernsey) Ordinance, 1987 (*supra*); the Safety of Employees Regulations, 1953 (G.S.I. No. 22 of 1953); the Safety of Employees Regulations, 1956 (G.S.I. No. 27 of 1956); the Health and Safety (Fees) Order, 2015 (G.S.I. No. 2 of 2015).

ORDINANCE OF THE STATES OF DELIBERATION

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The Safety of Employees (Miscellaneous Provisions) Ordinance, 1952

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(Made on 19th March, 1952.)

The Safety of Employees (Miscellaneous Provisions) Ordinance, 1952

THE STATES, in exercise of the powers conferred on them by "The Health, Safety and Welfare of Employees Law, 1950" and of all other powers thereunto them enabling, and in pursuance of their Resolution of the 23rd day of May, 1951, hereby order: –

PART I

Safety (General Provisions)

Prime movers.

1. (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 not.

(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.

NOTES

The following Regulations have been made under this Ordinance:

*Safety of Employees Regulations, 1953;
Safety of Employees Regulations, 1956.*

The following case has referred to this Ordinance:

Buckley v. Ronez Ltd. (2010) (Unreported, Royal Court, 19th

January) (Guernsey Judgment No 4/2009).

In accordance with the provisions of the Health and Safety at Work (General) (Guernsey) Ordinance, 1987, section 35(1), Schedule 4, with effect from 1st December, 1987, this enactment is one of those to be regarded as "relevant statutory provisions" for the purposes of the 1987 Ordinance.

In accordance with the provisions of the Health and Safety (Fees) Order, 2015, the fees payable for the provision of the services or documents therein referred to under or for the purposes of this Ordinance and any subordinate legislation made hereunder are as contained in article 5 thereof.

Transmission machinery.

2. (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.

(5) Where [the Committee] is satisfied that owing to special circumstances the fulfilment of any of the requirements of the last three foregoing subsections is unnecessary or impracticable, it may direct that the requirement shall not apply in those circumstances.

NOTE

In section 2, the words in square brackets in subsection (5) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance,

2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.

Other machinery.

3. (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 subsection 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 headstock 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.

NOTE

In accordance with the provisions of the Safety of Employees (Woodworking Machinery) Ordinance, 1959, section 17(a), with effect from 1st December, 1959, any obligation as to any fencing of any part of any woodworking machine shall be as imposed under the provisions of that Ordinance and, accordingly, any such obligation shall be in substitution for any obligation as to fencing in respect of that part of that machine imposed under the provisions of this section.

Provisions as to unfenced machinery.

4. (1) In determining, for the purposes of the foregoing provisions of this Part of this Ordinance, whether any part of machinery 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 –

- (a) no account shall be taken of any person carrying out, while the part of machinery is in motion, an

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examination thereof or any lubrication or adjustment shown by such examination to be immediately necessary, being an examination, lubrication or adjustment which it is necessary to carry out while the part of machinery is in motion, and

- (b) in the case of any part of transmission machinery used in any process, being a process where owing to the continuous nature thereof the stopping of that part would seriously interfere with the carrying on of that process, no account shall be taken of any person carrying out any lubrication or any mounting or shipping of belts:

PROVIDED that the foregoing provisions of this section shall only apply where the examination, lubrication or other operation is carried out by such persons, being male persons who have attained the age of eighteen, as are specified in subsection (2) of this section and all such other conditions as are specified therein are complied with.

(2) For the purposes of the carrying out of any of the operations to which this subsection applies –

- (a) one or more persons shall be appointed by the occupier of the factory, by signed entry in or by certificate attached to the general register, to be machinery attendants, and any such appointment may be made for all such operations or may be limited to such only of those operations as may be specified in the entry or certificate. The occupier shall furnish to each person so appointed a certificate of his appointment, which certificate shall indicate the limitations (if any) specified as aforesaid,
- (b) a person shall not be appointed to be such a machinery attendant unless he is a male person who has attained

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the age of eighteen, and has been sufficiently trained for the purposes of the work entailed by those operations which he is authorised by his appointment to carry out, and is acquainted with the dangers from moving machinery arising in connection with such operations,

- (c) any ladder in use for the carrying out of such an operation shall be securely fixed or lashed or be firmly held by a second person.

(3) The operations to which subsection (2) of this section applies are –

- (a) the carrying out, in pursuance of paragraph (a) of subsection (1) of this section, of an examination of any part of machinery which is in motion and which is not securely fenced, or any lubrication or adjustment shown by such examination to be immediately necessary, being an examination, lubrication or adjustment which it is necessary to carry out while part of the machinery is in motion, and
- (b) the carrying out, in pursuance of paragraph (b) of subsection (1) of this section, of any lubrication or any mounting or shipping of a belt, of any part in motion or in use of transmission machinery used in any process, being a process where owing to the continuous nature thereof the stopping of that part would seriously interfere with the carrying on of that process, and
- (c) the carrying out, in pursuance of section five of this Ordinance, of an examination or any lubrication or adjustment shown by such examination to be immediately necessary, when parts of machinery

otherwise required to be fenced or safeguarded are in motion or in use but are necessarily exposed for those operations.

Construction and maintenance of fencing.

5. All fencing or other safeguards provided in pursuance of the foregoing provisions of this Part of this Ordinance 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, subject to the provisions of subsection (2) of section four of this Ordinance, any such parts are necessarily exposed for examination and for any lubrication or adjustment shown by such examination to be immediately necessary.

Cleaning of machinery by women and young persons.

6. A woman or young person shall not clean any part of a prime mover or of any transmission machinery while the prime mover or transmission machinery is in motion, and shall not clean any part of any machine if the cleaning thereof would expose the woman or young person to risk of injury from any moving part either of that machine or of any adjacent machinery.

Training and supervision of young persons working at dangerous machines.

7. (1) No young person shall work at any machine to which this section applies, unless he has been fully instructed as to the dangers arising in connection with the machine and the precautions to be observed, and –

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

(2) This section applies to the following machines –

Power presses other than hydraulic presses,
Milling machines in use in the metal trades,
Guillotine machines,

Brick and tile presses driven by mechanical power,
Dough mixers and dough brakes,
Meat mincing machines driven by mechanical power,
Hydro-extractors in use in laundries,
Platen printing machines, and
Carding machines in use in upholstery works.

Hoists and Lifts.

8. (1) Every hoist or lift shall be of good mechanical construction, sound material and adequate strength, and be properly maintained.

(2) Every hoist or lift shall be thoroughly examined by a competent person at least once in every period of six 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) 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.

(4) Any such gate as aforesaid shall be fitted with efficient interlocking or other devices to secure that the gate cannot be opened except when the cage or platform is at the landing and that the cage or platform cannot be moved away from the landing until the gate is closed:

PROVIDED that, in the case of a hoist or lift constructed or reconstructed before the passing of this Ordinance which it is not reasonably practicable to fit with such devices as aforesaid, it shall be sufficient if the gate is provided with such arrangements as will secure the aforesaid objects so far as is reasonably practicable, and in any event is kept closed and fastened except when the cage or platform is at rest at the landing.

(5) Every hoist or lift and every such enclosure as aforesaid shall be so constructed as to prevent any part of any person or any goods being carried in

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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 moving part of the hoist or lift.

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

(7) The following additional requirements shall apply to hoists or lifts used for carrying persons, whether together with goods or otherwise –

(a) efficient automatic devices shall be provided and maintained to prevent the cage or platform overrunning,

(b) every cage shall on each side from which access is afforded to a landing, be fitted with a gate, and in connection with every such gate efficient devices shall be provided to secure that, when persons or goods are in the cage, the cage cannot be raised or lowered unless the gate is closed, and will come to rest when the gate is opened:

PROVIDED that, in the case of a hoist or lift constructed or reconstructed before the passing of this Ordinance in connection with which it is not reasonably practicable to provide such devices as aforesaid, it shall be sufficient if such arrangements are provided as will secure the aforesaid objects so far as is reasonably practicable, and in any event the gate shall be kept closed and fastened except when the cage is at rest or empty, and

(c) in the case of a hoist or lift constructed or reconstructed after the passing of this Ordinance, where the platform or cage is suspended by rope or

chain, there shall be at least two ropes or chains separately connected with the platform or cage, each rope or chain and its attachments being capable of carrying the whole weight of the platform or cage and its maximum working load, and efficient devices shall be provided and maintained which will support the platform or cage with its maximum working load in the event of a breakage of the ropes or chains or any of their attachments.

(8) In the case of a continuous hoist or lift, subsections (3) to (7) inclusive of this section shall not apply and in the case of a hoist or lift not connected with mechanical power subsections (4) and (7) of this section shall not apply, and, in both the aforesaid cases, in subsection (2) of this section for the reference to six months there shall be substituted a reference to twelve months.

(9) Notwithstanding any of the foregoing provisions of this section the gate of any hoist or lift not connected with mechanical power shall be kept closed and fastened except when the cage or platform is at rest at the landing.

(10) 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.

(11) Every teagle opening or similar doorway 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.

(12) If it is shown to the satisfaction of [the Committee] that it would be unreasonable in the special circumstances of the case to enforce any requirement of this section in respect of any class or description of hoist, lift, hoistway, liftway or teagle opening or similar doorway, it may direct that such requirement shall not apply as respects that class or description.

NOTES

In section 8, the words in square brackets in subsection (12) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.

In accordance with the provisions of the Safety of Employees Regulations, 1953, regulation 2, with effect from 2nd March, 1953, the form of report and the prescribed particulars to be contained therein are as set out in the said regulation 2.

In accordance with the provisions of the Safety of Employees Regulations, 1953, regulation 2(2), Schedule, with effect from 2nd March, 1953, the requirements of this section in respect of any class or description of hoist or hoistway specified in the second column of the said Schedule shall not apply, subject to the conditions and limitations contained in that Schedule.

Chains, ropes and lifting tackle.

9. (1) The following provisions shall be complied with as respects every chain, rope or lifting tackle used for the purposes of raising or lowering persons, goods or materials –

- (a) no chain, rope or lifting tackle shall be used unless it is of good construction, sound material, adequate strength and free from patent defect,
- (b) all chains, ropes and lifting tackle in use shall be thoroughly examined by a competent person at least once in every period of six months or at such greater intervals as [the Committee] may prescribe,
- (c) every chain and lifting tackle except a rope sling shall, unless of a class or description exempted by certificate of [the Committee] upon the ground that it is made of such material or so constructed that it cannot be subjected to heat treatment without risk of damage or that it has been subjected to some form of heat treatment (other than annealing) approved by [the Committee], be annealed at least once in every

fourteen months, or, in the case of chains or slings of half-inch bar or smaller, or chains used in connection with molten metal or molten slag, in every six months, so, however, that chains and lifting tackle not in regular use need be annealed only when necessary.

(2) In this section the expression "**lifting tackle**" means chain slings, rope slings, rings, hooks, shackles, and swivels.

NOTES

In section 9, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.

The following certificate has been made under section 9:

Safety of Employees (Miscellaneous Provisions) Ordinance, 1952, Certificate of Exemption No. 1 (Annealing), 1953 (G.S.I. No. 23 of 1953).

Cranes and other lifting machines.

10. (1) All parts and working gear whether fixed or movable, including the anchoring and fixing appliances, of every lifting machine shall be of good construction, sound material, adequate strength and free from patent defect, and shall be properly maintained.

(2) All such parts and gear as aforesaid shall be thoroughly examined by a competent person at least once in every period of fourteen months and a register shall be kept containing the prescribed particulars of every such examination.

(3) There shall be plainly marked on every lifting machine the safe working load or loads thereof, except that in the case of a jib crane so constructed that the safe working load may be varied by the raising or lowering of the jib, there shall be attached thereto either an automatic indicator of safe working loads or a table indicating the safe working loads at corresponding inclinations of the jib or corresponding radii of the load.

(4) No lifting machine shall, except for the purpose of a test, be loaded beyond the safe working load as marked or indicated under the last foregoing subsection.

(5) In this section the expression "**lifting machine**" means a crane, crab, winch, teagle, pulley block, gin wheel, transporter or runway.

NOTES

The following case has referred to section 10:

Buckley v. Ronez Ltd. (2010) (Unreported, Royal Court, 19th January) (Guernsey Judgment No 4/2009).

In accordance with the provisions of the Safety of Employees Regulations, 1953, regulation 3, with effect from 2nd March, 1953, the prescribed particulars to be contained in the register required by subsection (2) of this section are as set out in the said regulation 3.

Construction and maintenance of floors, passages and stairs.

11. (1) All floors, steps, stairs, passages and gangways shall be of sound construction and properly maintained.

(2) For every staircase in a building or affording a means of exit from a building, a substantial handrail shall be provided and maintained, which, if the staircase has an open side shall be on that side, and, in the case of a staircase having two open sides, or in the case of a staircase which, owing to the nature of the construction thereof or the condition of the surface of the steps or other special circumstances, is specially liable to cause accidents, such a handrail shall be provided and maintained on both sides. Any open side of a staircase shall also be guarded by the provision and maintenance 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) All ladders shall be soundly constructed and properly maintained.

NOTE

The following case has referred to section 11:

Buckley v. Ronez Ltd. (2010) (Unreported, Royal Court, 19th January) (Guernsey Judgment No 4/2009).

Safe means of access and safe place of employment.

12. (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 of more than ten feet, then, unless the place is one which affords secure foothold and, where necessary, secure handhold, means shall be provided, so far as is reasonably practicable, by fencing or otherwise for ensuring his safety.

Precautions in places where dangerous fumes are liable to be present.

13. (1) Where work has to be done inside any chamber, tank, vat, pit, pipe, flue or similar confined space, in which dangerous fumes are liable to be present to such an extent as to involve risk of persons being overcome thereby –

- (a) the confined space shall, unless there is other adequate means of egress, be provided with a manhole, which may be rectangular, oval, or circular in shape, and shall be not less than eighteen inches long and sixteen inches wide or (if circular) not less than eighteen inches in diameter, or in the case of tank wagons and other mobile plant, not less than sixteen inches long and fourteen inches wide or (if circular) not less than sixteen inches in diameter, and
- (b) no person shall enter the confined space for any purpose unless the following requirements are complied with –

- (i) all practicable steps shall be taken to remove any fumes which may be present and to prevent any ingress of fumes and, unless it has been ascertained by a suitable test that the space is free from dangerous fumes, the person entering shall wear a belt to which there is securely attached a rope of which the free end is held by a person outside, or
 - (ii) the person entering shall wear a suitable breathing apparatus,
- (c) suitable breathing apparatus and a suitable reviving apparatus and suitable belts and ropes shall be provided and maintained so as to be readily accessible, and shall be periodically inspected in the prescribed, manner, and
- (d) a sufficient number of the persons employed shall be trained and practised in the use of such apparatus and in the method of restoring respiration:

PROVIDED that [the Committee] may by certificate grant, subject to any condition specified in the certificate, exemption from compliance with any of the aforesaid requirements in any case where it is satisfied that compliance with those requirements is unnecessary or impracticable.

(2) No work shall be permitted in any boiler-furnace or boiler-flue until it has been sufficiently cooled by ventilation or otherwise to make work safe for the persons employed.

NOTE

In section 13, the words in square brackets in subsection (1) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.

Precautions with respect to explosive or inflammable dust, gas, vapour or substance.

14. (1) Where, in connection with any grinding, sieving, or other process giving rise to dust, there may escape into any workroom dust of such a character and to such an extent as to be liable to explode on ignition, all practicable steps shall be taken to prevent such an explosion by enclosure of the plant used in the process, and by removal or prevention of accumulation of the dust, and by exclusion or effective enclosure of possible sources of ignition.

(2) Where there is present in any plant used in any such process as aforesaid dust of such a character and to such an extent as to be liable to explode on ignition, then, unless the plant is so constructed as to withstand the pressure likely to be produced by any such explosion, all practicable steps shall be taken to restrict the spread and effects of such an explosion by the provision, in connection with the plant, of chokes, baffles and vents or other equally effective appliances.

(3) Where any part of a plant contains any explosive or inflammable gas or vapour under pressure greater than atmospheric pressure, that part shall not be opened, except in accordance with the following provisions –

- (a) before the fastening of any joint of any pipe connected with the part of the plant or the fastening of the cover of any opening into the part is loosened, any flow of the gas or vapour into the part or into any such pipe shall be effectively stopped by a stop-valve or otherwise,
- (b) before any such fastening as aforesaid is removed, all practicable steps shall be taken to reduce the pressure of the gas or vapour in the pipe or part of the plant to atmospheric pressure,

and if any such fastening has been loosened or removed as aforesaid, no explosive or inflammable gas or vapour shall be allowed to enter the pipe or part of the plant

until the fastening has been secured, or, as the case may be, securely replaced:

PROVIDED that this subsection shall not apply to plant installed in the open air.

(4) No plant, tank or vessel which contains or has contained any explosive or inflammable substance shall be subjected to any welding, brazing or soldering operation or to any cutting operation which involves the application of heat, until all practicable steps have been taken to remove the substance and any fumes arising therefrom, or to render them non-explosive or non-inflammable; and if any plant, tank, or vessel has been subjected to any such an operation as aforesaid, no explosive or inflammable substance shall be allowed to enter the plant, tank or vessel until the metal has cooled sufficiently to prevent any risk of igniting the substance.

(5) [The Committee] may by certificate grant, subject to any conditions specified in the certificate, exemption from compliance with any of the requirements of the last two foregoing subsections in any case where it is satisfied that compliance with the requirement is unnecessary or impracticable.

(6) In this section the expression "**any cutting operation which involves the application of heat**" shall include any operation involving the application of heat for the purpose of taking apart or removing the plant, tank or vessel or any part of it.

NOTES

In section 14, the words in square brackets in subsection (5) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.

The following certificates have been made under section 14:

Safety of Employees (Miscellaneous Provisions) Ordinance, 1952, Certificate of Exemption No. 2 (Welding Operations on Water-Sealed Gasholders), 1953 (G.S.I. No. 24 of 1953);

Safety of Employees (Miscellaneous Provisions) Ordinance, 1952, Certificate of Exemption No. 3 (Cutting and Welding Operations on Steel or Wrought Iron Gas Mains and Services), 1953 (G.S.I. No. 25 of 1953);

Safety of Employees (Miscellaneous Provisions) Ordinance, 1952, Certificate of Exemption No. 4 (Welding Operations on Oil Tanks of Ships), 1953 (G.S.I. No. 26 of 1953).

Steam boilers.

- * 15. (1) Every steam boiler, whether separate or one of a range –
- (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 pressure greater 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) at least one water gauge of transparent material or other type approved by [the Committee] to show the water level in the boiler, and, if the gauge is of the glass tubular type and the working pressure in the boiler normally exceeds forty pounds per square inch, the gauge shall be provided with an efficient guard but not so as to obstruct the reading of the gauge,

* See also the Steam Boilers (Insurance) Ordinance, 1952.

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- (v) where it is one of two or more boilers, a plate bearing a distinctive number which shall be easily visible, 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 sub-paragraph (ii) of paragraph (a) of this subsection shall not apply with respect to economisers, and sub-paragraphs (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) For the purposes of the last foregoing subsection, a lever-valve shall not be deemed a suitable safety valve unless the weight is secured on the lever in the correct position.

(3) 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 or taps 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 or tap on each such boiler is so constructed that it can only be opened by a key which cannot be removed until the valve or tap is closed and is the only key in use for that set of blow-off valves or taps.

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

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

(6) 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:

PROVIDED that in the case of a range of boilers in use at the date of the passing of this Ordinance for the purposes of a process requiring a continuous supply of steam, any stop-valve on the range which cannot be isolated from steam under pressure need only be examined so far as is practicable without such isolation, but this proviso shall cease to have effect as soon as a reasonable opportunity arises for installing devices to enable the valve to be so isolated and, in any case, at the expiration of a period of three years from the passing of this Ordinance.

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

(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-eight 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, and if that person is an inspector of a boiler-inspecting company or association, countersigned by the chief engineer of the company or association or by such other responsible officer of the company or association as may be authorised in writing in that behalf by the chief engineer.

For the purposes of this subsection and the succeeding provisions of this section relating to reports of examinations, the examination of a boiler when it is cold and its examination when it is under steam pressure shall be treated as separate examinations.

(9) No steam boiler which has previously been used shall be taken into use in any factory for the first time in that factory until it has been examined and reported on in accordance with the last three 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 the boiler-inspecting company or association, 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.

(10) A copy of any report or certificate required under the provisions of subsection (9) of this section to be made or issued, shall be sent to [the Committee] within fourteen days of the making or issue thereof.

(11) 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.

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

(13) If the person employed to make any such examination fails to make a thorough examination as required by this section or makes a report which is false or deficient in any material particular, or if the chief engineer of any boiler-inspecting company or association permits any such report to be made, he shall be guilty of an offence and liable to a fine not exceeding fifty pounds, and if any such person or chief engineer fails to send to [the Committee] a copy of any report as required by the preceding subsection, he shall be guilty of an offence.

(14) If [the Committee] is not satisfied as to the competency of the person employed to make the examination or as to the thoroughness of the examination, it may require the boiler to be re-examined by a person nominated by it, and the occupier shall give the necessary facilities for such re-examination. If as a result of such re-examination it appears that the report of the examination was inadequate or inaccurate in any material particular, the cost of the re-examination shall be recoverable from the occupier as a civil debt, and the report of the re-examination purporting to be signed by the person making it shall be admissible in evidence of the facts stated therein.

(15) The owner of every steam boiler to which this section applies shall maintain in force a policy of insurance which shall be issued by an insurer who is an insurer approved by [the Committee], which policy shall, subject to the exceptions and conditions thereof, indemnify the said owner against liability, in respect of fatal or non-fatal injuries sustained by any person who is under a contract of service or apprenticeship with the said owner, arising as the direct consequence of and solely due to the explosion or collapse of the boiler.

(16) For the purposes of the last preceding subsection of this section, a contract of service or apprenticeship shall not be deemed not to exist by reason only that the wages payable under such contract of service or apprenticeship are, by agreement between the owner of a steam boiler and a third party, paid or payable by that third party.

(17) The owner of a steam boiler who uses, or causes or permits to be used, any steam boiler owned by him and as regards which the insurance policy referred to in this section is not in force shall be guilty of an offence.

(18) Subject as hereinafter in this section provided, the provisions of this Ordinance hereinafter in this subsection mentioned shall apply to steam boilers, that is to say –

- (a) Part IV,
- (b) Part V,
- (c) the provisions of Part VI with respect to duties of persons employed, general registers (so far as applicable), powers and duties of inspectors, interpretation of expression "factory" and general interpretation.

(19) The provisions of this Ordinance in their application to steam boilers shall have effect as if the place where any such steam boiler is used were a factory and the owner of any such steam boiler 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 shall be deemed to be complied with as respects a steam boiler if the general register is kept at an office of the owner of the steam boiler.

(20) This section shall apply to every steam boiler, whether stationary or mobile, used at any place in the Island of Guernsey in connection with any trade, industry or calling but shall not include any boiler on board a steamship having a valid certificate from the Ministry of Transport:

PROVIDED that subsections (1), (7) and (15) of this section shall not, subject to the following conditions, apply to steam tube ovens and steam tube hotplates used for the baking or heating of food –

- (a) in the case of an oven –
 - (i) a thermometer for the purpose of indicating the temperature of the oven shall be fitted in a

suitable position where it is easily visible, and shall be properly maintained. An oven having more than one furnace or more than one baking chamber shall be fitted with at least one thermometer as aforesaid, in respect of each furnace or of each baking chamber,

- (ii) the ordinary maximum working temperature of the oven shall be marked in a distinctive colour on each thermometer,
 - (iii) the oven shall not be worked at a higher temperature than the ordinary maximum working temperature unless a certificate has been obtained from the makers, and is kept available for inspection, certifying that the oven can safely be used at a higher temperature than the ordinary maximum working temperature and specifying the conditions, including the maximum permissible working temperature, subject to which it may be so used, and unless all such conditions are observed,
- (b) in the case of a hotplate –
- (i) a correct steam pressure gauge easily visible and properly maintained shall be fitted to at least one of the tubes and shall be provided with an arrangement for recording the highest pressure generated in that tube at any time. The maximum permissible working pressure shall be marked in a distinctive colour on each pressure gauge,
 - (ii) the hotplate shall not be worked at a higher

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pressure than the maximum permissible working pressure,

- (c) the brickwork surrounding the tubes in the furnace, whether of an oven or hotplate, shall be properly maintained so as to prevent excessive exposure of tubes to the fire or flame,
- (d) accumulations of dust, soot or other deposit shall be removed by brushing or other effective means from the flues and tubes of each oven or hotplate. In the case of an oven or hotplate fired with solid fuel such removal shall be carried out at intervals of not longer than three months,
- (e) every tube fitted to an oven or hotplate after the 31st day of December, 1952, shall before sealing up, have been properly tested by hydraulic pressure. A certificate of such test specifying the test pressure applied, and signed by the person making or supervising such test shall be kept attached to the general register. Such a certificate may relate to tests of more than one tube,
- (f) instructions for working the oven or hotplate supplied by the maker of the oven or hotplate, shall be affixed on a placard prominently displayed near the working place at the oven or hotplate:

PROVIDED that where it is not reasonably practicable to obtain such instructions from the actual maker of the oven or hotplate, it shall be sufficient to obtain them from a competent person engaged in the business of making steam tube ovens or steam tube hotplates as the case may be.

(21) 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 "**steam boiler**" means any closed vessel in which for any purpose steam is generated under pressure greater than five pounds avoirdupois to the square inch, and includes any economiser used to heat water being fed to any such vessel, and any superheater used for heating steam.

(22) For the purposes of this section the expression "**owner**" in relation to a steam boiler includes a hirer of a steam boiler under a hire purchase agreement.

NOTES

In section 15, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.

In accordance with the provisions of the Safety of Employees Regulations, 1953, regulation 4, with effect from 2nd March, 1953, the provisions of paragraphs (2), (3) and (4) of the said regulation 4 shall have effect in relation to the prescribed manner, for the purposes of subsection (7) of this section, of the examination referred to in subsection (6) of this section.

In accordance with the provisions of the Safety of Employees Regulations, 1953, regulation 4, with effect from 2nd March, 1953, the forms of report and the prescribed particulars to be contained therein for the purposes of subsection (8) of this section are as set out in paragraph (5) of the said regulation 4.

Steam receivers and steam containers.

16. (1) Every steam receiver, not so constructed and maintained as to withstand with safety the maximum permissible working pressure of the boiler or the maximum pressure which can be obtained in the pipe connecting the receiver with any other source of supply, shall be fitted with –

- (a) a suitable reducing valve or other suitable automatic appliance to prevent the safe working pressure being

exceeded, and

- (b) a suitable safety valve so adjusted as to permit the steam to escape as soon as the safe working pressure is exceeded, or a suitable appliance for cutting off automatically the supply of steam as soon as the safe working pressure is exceeded, and
- (c) a correct steam pressure gauge, which must indicate the pressure of steam in the receiver in pounds per square inch, and
- (d) a suitable stop valve, and
- (e) except where only one steam receiver is in use, a plate bearing a distinctive number which shall be easily visible.

The safety valve and pressure gauge shall be fitted either on the steam receiver or on the supply pipe between the receiver and the reducing valve or other appliance to prevent the safe working pressure being exceeded.

(2) For the purpose of the provisions of the foregoing subsection, except paragraph (e), any set of receivers supplied with steam through a single pipe and forming part of a single machine may be treated as one receiver, and for the purposes of the said provisions, except paragraphs (d) and (e) any other set of receivers supplied with steam through a single pipe may be treated as one receiver:

PROVIDED that this subsection shall not apply to any such set of receivers unless the reducing valve or other appliance to prevent the safe working pressure being exceeded is fitted on the said single pipe.

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

(4) Every steam receiver and its fittings shall be properly

maintained, and shall be thoroughly examined by a competent person, so far as the construction of the receiver permits, at least once in every period of twenty-six months.

(5) A report of the result of every such examination containing the prescribed particulars (including particulars of the safe working pressure) shall be entered in or attached to the general register.

(6) Every steam container shall be so maintained as to secure that the outlet is at all times kept open and free from obstruction.

(7) In this section the following expressions have the meanings hereby respectively assigned to them, that is to say –

"safe working pressure" means, in the case of a new steam receiver, that specified by the maker, and in the case of a steam receiver which has been examined in accordance with the provisions of this section that specified in the report of the last examination,

"steam receiver" means any vessel or apparatus (other than a steam boiler, steam container, a steam pipe or coil, or a part of a prime mover) used for containing steam under pressure greater than atmospheric pressure,

"steam container" means any vessel (other than a steam pipe or coil) constructed with a permanent outlet into the atmosphere or into a space where the pressure does not exceed atmospheric pressure, and through which steam is passed at atmospheric pressure for the purpose of heating, boiling, drying, evaporating or other similar purpose.

NOTE

In accordance with the provisions of the Safety of Employees Regulations, 1953, regulation 5, with effect from 2nd March, 1953, the forms of report and the prescribed particulars to be contained therein for the purposes of subsection (5) of this section are as set out in the said regulation 5.

Air receivers.

17. (1) Every air receiver shall –
- (a) have marked upon it so as to be plainly visible the safe working pressure, and
 - (b) in the case of a receiver 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 receiver 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 receiver in pounds per square inch, and
 - (e) be fitted with a suitable appliance for draining the receiver, and
 - (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 receiver is in use in the factory, 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 receivers supplied with air through a single pipe may be treated as one receiver:

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 valve or appliance is fitted on the said single pipe.

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

(4) Every air receiver shall be thoroughly cleaned and examined at least once in every period of twenty-six months:

PROVIDED that in the case of a receiver of solid drawn construction –

- (a) the person making any such examination may specify in writing a period exceeding twenty-six months but not exceeding four years within which the next examination is to be made, and
- (b) if it is so constructed that the internal surface cannot be thoroughly examined, a suitable hydraulic test of the receiver shall be carried out in lieu of internal examination.

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, containing the prescribed particulars (including particulars of the safe working pressure), shall be entered in or attached to the general register.

(5) In this section the expression **'air receiver'** means –

- (a) any vessel (other than a pipe or coil, or an accessory, fitting or part of a compressor) for containing compressed air and connected with an air compressing plant,
- (b) any fixed vessel for containing compressed air or compressed exhaust gases and used for the purpose of

starting an internal combustion engine, or

- (c) any fixed or portable vessel (not being part of a spraying pistol) used for the purpose of spraying by means of compressed air any paint, varnish, lacquer or similar material, or
- (d) any vessel in which oil is stored and from which it 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) or paragraph (d) of this subsection.

NOTE

In accordance with the provisions of the Safety of Employees Regulations, 1953, regulation 6, with effect from 2nd March, 1953, the forms of report and the prescribed particulars to be contained therein for the purposes of subsection (4) of this section are as set out in the said regulation 6.

Exceptions as to steam boilers, steam receivers and containers, and air receivers.

18. [The Committee] may by certificate except from any of the provisions of the last three preceding sections of this Ordinance, any class or type of steam boiler, steam receiver, steam container or air receiver to which it is satisfied that such provision cannot reasonably be applied. Any such exception may be unqualified or may be subject to such conditions as may be contained in the certificate.

NOTES

In section 18, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.

The following certificates have been made under section 18:

Safety of Employees (Miscellaneous Provisions) Ordinance, 1952,

Certificate of Exemption No. 5 (Steam Boilers), 1953 (G.S.I. No. 27 of 1953);

Safety of Employees (Miscellaneous Provisions) Ordinance, 1952, Certificate of Exemption No. 6 (Steam Boilers – Calorifier Type), 1953 (G.S.I. No. 28 of 1953);

Safety of Employees (Miscellaneous Provisions) Ordinance, 1952, Certificate of Exemption No. 7 (Steam Boilers – Cylindrical Multi-tubular Type fired by Town Gas or Oil), 1953 (G.S.I. No. 29 of 1953);

Safety of Employees (Miscellaneous Provisions) Ordinance, 1952, Certificate of Exemption No. 8 (Steam Receivers – Economisers of the Steaming Type), 1953 (G.S.I. No. 30 of 1953);

Safety of Employees (Miscellaneous Provisions) Ordinance, 1952, Certificate of Exemption No. 9 (Steam Receivers – Safe Working Pressure slightly below the Maximum Permissible Working Pressure of the Boiler), 1953 (G.S.I. No. 31 of 1953);

Safety of Employees (Miscellaneous Provisions) Ordinance, 1952, Certificate of Exemption No. 10 (Steam Receivers – Traps, Separators or Dryers, Strainers, De-Superheaters and Oil Separators), 1953 (G.S.I. No. 32 of 1953);

Safety of Employees (Miscellaneous Provisions) Ordinance, 1952, Certificate of Exemption No. 11 (Steam Receivers – Miscellaneous Types), 1953 (G.S.I. No. 33 of 1953);

Safety of Employees (Miscellaneous Provisions) Ordinance, 1952, Certificate of Exemption No. 12 (Steam Receivers – Milk Pre-heaters, Pasteurisers and Sterilisers), 1953 (G.S.I. No. 34 of 1953);

Safety of Employees (Miscellaneous Provisions) Ordinance, 1952, Certificate of Exemption No. 13 (Air Receivers – Monotype Machines), 1953 (G.S.I. No. 35 of 1953);

Safety of Employees (Miscellaneous Provisions) Ordinance, 1952, Certificate of Exemption No. 15 (Steam Boilers - Steam Drying Units), 1962 (G.S.I. No. 21 of 1962).

Precautions as respects water-sealed gasholders.

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

(2) Every gasholder shall be thoroughly examined externally by a competent person at least once in every period of two years and a record containing the prescribed particulars of every such examination shall be entered in or attached to the general register.

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

available for inspection.

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

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

(6) No gasholder shall be repaired or demolished except under the direct supervision of a person who, by his training and experience and his knowledge of the necessary precautions against risks of explosion and of persons being overcome by gas, is competent to supervise such work.

(7) If [the Committee] is not satisfied as to the competency of any person employed to make any examination under this section or as to the thoroughness of any such examination, it shall require the gasholder to be re-examined by a person nominated by it, and the occupier shall give the necessary facilities for such re-examination.

(8) In this section the expression "**gasholder**" means a water-sealed gasholder which has a storage capacity of not less than five thousand cubic feet.

NOTES

In section 19, the words in square brackets in subsection (7) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.

In accordance with the provisions of the Safety of Employees Regulations, 1953, regulation 7, with effect from 2nd March, 1953, the record and the prescribed particulars to be contained therein for the purposes of subsection (2) of this section are as set out in the said regulation 6.

PART II

Safety (Special Provisions)

Fire precautions.

20. (1) Every factory to which this subsection applies shall, within such period as [the Committee] may prescribe, be provided by the occupier with such means of escape in case of fire for the persons employed therein as may reasonably be required by [the Committee] in the circumstances of each case.

(2) Where in pursuance of the foregoing subsection [the Committee] requires anything to be done in relation to means of escape in a factory to which that subsection applies, it shall notify the occupier of the factory accordingly, and such notification, which shall be in writing, shall prescribe the period within which the occupier shall comply with any requirement of [the Committee] imposed under that subsection.

(3) If at any time [the Committee] is satisfied that by reason of changed circumstances the existing means of escape in any factory to which this subsection applies have become insufficient, it may, by notice in writing, require the occupier of the factory to make such alterations in the structure of the factory or otherwise as may be specified in the notice and within such period as may be specified in the notice.

(4) If the occupier of any factory to which the foregoing subsections of this section apply is aggrieved by any requirement of [the Committee] as to the means of escape which he is required to provide under this section or by the extent of any alterations which he is required to carry out under the last preceding subsection, he may, within twenty-one days of the receipt by him of the notification or notice in writing, appeal against such requirement or against the carrying out of such alterations to the Royal Court sitting as an Ordinary Court.

(5) The decision of the Royal Court sitting as an Ordinary Court on an appeal under this section shall be final, and pending the final determination of any such appeal no offence shall be deemed to be committed under this Ordinance by reason only of the fact that the provisions of a notification or notice given by [the Committee] under the foregoing provisions of this section have not been complied

with.

(6) All means of escape which are required to be provided in a factory to which this subsection applies shall be properly maintained and kept free from obstruction.

(7) The foregoing subsections of this section shall apply to every factory –

- (a) in which more than twenty persons are employed, or
- (b) in or under which explosive or highly inflammable materials are stored or used.

(8) In every factory and in all premises in respect of which premises a valid boarding permit has been issued under the Tourist Law, 1948, and in which premises –

- (a) accommodation is provided for hire or reward for twelve or more persons, or
- (b) three or more persons are employed for the purposes of providing accommodation for hire or reward,

there shall be installed such number of efficient fire extinguishers or appliances of a type approved by [the Committee] in such places as [the Committee] may direct:

PROVIDED that unless and until a direction under this subsection is issued by [the Committee] one such fire extinguisher or appliance shall be installed readily available for use on every floor of the factory or premises.

(9) 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.

(10) In the case of any factory constructed or converted for use as a factory before the passing of this Ordinance, 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 passing of this Ordinance, 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.

(11) In every factory 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 distinctively and conspicuously marked by a notice printed in red letters of an adequate size.

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

NOTE

In section 20, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.

Protection of eyes in certain processes.

21. (1) In the case of any of the processes referred to in the next succeeding subsection, being a process which involves a special risk of injury to the eyes from particles or fragments thrown off in the course of the process, suitable goggles or effective screens shall be provided to protect the eyes of the persons employed in the process.

(2) The following are the processes referred to in the last preceding subsection –

Dry grinding of metals or articles of metal applied by hand to

a revolving wheel or disc driven by mechanical power.

Turning (external or internal) of non-ferrous metals, or of cast iron, or of articles of such metals or such iron, where the work is done dry, other than precision turning where the use of goggles or a screen would seriously interfere with the work, or turning by means of hand tools.

Welding or cutting of metals by means of an electrical, oxy-acetylene or similar process.

The following processes when carried on by means of hand tools or other portable tools –

Fettling of metal castings involving the removal of metal.

Cutting out or cutting off (not including drilling or punching back) of cold rivets or bolts from boilers or other plant or from ships.

Chipping or scaling of boilers or ships' plates.

Breaking or dressing of stone, concrete or slag.

Safety provisions where cellulose solutions are manufactured, used or stored.

22. (1) The occupier shall not undertake the manufacture, use or storage of cellulose solutions in any factory in which he did not undertake such manufacture, use or storage as the case may be, before the coming into force of this Ordinance unless and until he has given to [the Committee] fourteen clear days' notice in writing of his intention to do so, or such shorter notice as [the Committee] may agree to accept.

(2) No person under sixteen years of age shall be employed in the manipulation or use of cellulose solutions or inflammable liquids containing more than fifteen per cent by weight of benzene:

PROVIDED that the provisions of this subsection shall not apply to any young person who is over fifteen years of age and so employed at the date of the coming into force of this Ordinance.

- (3) (a) Every cellulose cabinet shall be completely closed except in so far as openings are necessary for the purposes of the work or for the operation of the ventilating apparatus required by the provisions of the next succeeding subsection.
- (b) Every cellulose space shall be separated by enclosure from every other part of the building or room except in so far as openings are necessary for the purposes of the work or for the operation of the ventilating apparatus required by the provisions of the next succeeding subsection.
- (c) Every cellulose cabinet and all walls, partitions, doors, windows, floors, tops and ceilings, enclosing or forming part of the enclosure of any cellulose space shall be constructed of fire-resisting material, except as regards –
 - (i) any cellulose cabinet or cellulose space which was in use as such before the coming into force of this Ordinance, and
 - (ii) any tops or ceilings of single storey buildings or of top floor rooms, or any outside walls, doors or windows, other than any of the aforesaid parts of a building in respect of which [the Committee] specially directs that this exception shall not apply.
- (d) All ducts, trunks or casings used in connection with the means of ventilation required by the next

succeeding subsection shall be constructed of fire-resisting material.

- (4) (a) Every cellulose cabinet or cellulose space shall be adequately ventilated by mechanical means so as to remove from the building any vapours of cellulose solutions or inflammable liquids, and to prevent their escape into any occupied room or work place. Such ventilation shall be kept in full operation for a period of at least five minutes after the cessation of any process in the manipulation or use of cellulose solutions or inflammable liquids.
- (b) Where cellulose solutions are applied by spraying apparatus, arrangements shall, as far as practicable, be made so as to render it unnecessary for the person operating the spray to be in a position between the ventilating outlet and the article being sprayed.
- (5) (a) No fire, flame, open light or other agency likely to ignite cellulose solutions or inflammable liquids or the vapours thereof shall be allowed within twenty feet of any cellulose cabinet, cellulose space, or store room, unless effectively separated therefrom by means of intervening fire-resisting material.
- (b) All heating and electrical apparatus (including lamp fittings and resistances) liable to attain a temperature of 180° Fahrenheit, shall be so situated or so protected as to prevent the deposition thereon of any solid residues resulting from the manufacture, manipulation or use of cellulose solutions.
- (c) All electrical conductors and electrical apparatus used in connection with the manufacture, manipulation or use of cellulose solutions, shall be so constructed or

protected, and such special precautions shall be taken, as may be necessary adequately to prevent danger in view of such use.

(6) Adequate means of escape in case of fire, including a sufficient number of safe exits not fewer than two in number, shall be provided and maintained for every room in which a cellulose cabinet is situated and for every cellulose space, and such exits shall be so constructed as to open outwards.

(7) Cotton waste, cleaning rags, or similar material liable to spontaneous combustion, shall, after use, be deposited without delay in metal containers with covers or removed without delay to a safe place.

(8) (a) Effective steps shall be taken to remove any solid residues resulting from the manufacture, manipulation or use of cellulose solutions from all cellulose cabinets and cellulose spaces and also from all ducts, trunks, casings or fans used in connection therewith, and such residues shall be deposited in a safe place.

(b) No such removal shall be effected by scraping with iron or steel implements.

(9) An adequate supply of efficient fire extinguishing appliances in suitable positions, having regard to the structure and situation of the premises and the quantity and nature of the substances used, shall be provided for every room in which a cellulose cabinet is situated and for every cellulose space.

(10) All stocks of cellulose solutions or inflammable liquids shall be kept in –

(a) fixed storage tanks in safe positions, or

(b) metal drums, cans or similar vessels situated in storerooms which shall either be constructed of fire-resisting material or be in safe positions not less than

thirty feet from any occupied building.

(11) The quantity of cellulose solution or inflammable liquid in any work-room shall be kept as small as practicable having regard to the work carried on, and in the case of work-rooms where cellulose solutions or inflammable liquids are used shall not exceed the estimated requirements for one day's work. Such cellulose solution or inflammable liquid shall when not in actual use be kept in a metal cupboard or other receptacle at least as safe.

(12) All drums, cans or similar vessels containing cellulose solutions or inflammable liquids shall be kept securely closed when the contents are not in actual use, and shall, after the contents have been expended, be removed without delay to a safe place outside the building, or to a store-room constructed or situated in accordance with subsection (10) of this section and kept therein.

(13) Cellulose solutions or inflammable liquids containing more than fifteen per cent by weight of benzene shall not be procured or stored otherwise than in receptacles legibly marked as containing benzene.

(14) The occupier shall allow an inspector to take at any time sufficient samples for analysis of any substances which the inspector may have reason to believe to be cellulose solutions or inflammable liquids. The inspector shall, at the time any such sample is taken, divide the sample into two parts and seal and deliver to the occupier, in a suitable receptacle, one such part. The result of an analysis made under this subsection shall not be published or disclosed to any person, except in so far as it is necessary for the purpose of a prosecution for an offence under this Ordinance.

(15) No person shall smoke in any room in which a cellulose cabinet is situated or in any cellulose space, or in any store-room, or within twenty feet of any store-room or storage tank unless he is effectively separated from the store-room or tank by fire-resisting material.

(16) Every person who is engaged in the manipulation or use of a cellulose solution or inflammable liquid shall make full and proper use of the ventilating and other appliances as provided under this section, shall report

forthwith to the owner, occupier, manager or other responsible person any defect in the same, and shall observe such directions as may be given to him with a view to the carrying out of the provisions of this section.

(17) Subsections (2), (3), (4) and (6) of this section shall not apply to any cellulose space in which cellulose solutions or inflammable liquids are not manipulated or used for more than fifteen minutes on any day.

(18) Where [the Committee] is satisfied in respect of any factory or any class of process that, owing to the special conditions or special methods of work or otherwise, any of the requirements of this section can be suspended or relaxed without danger to the persons employed therein, or that the application of the provisions of this section or any of them is for any reason impracticable, it may authorise by certificate in writing such suspension or relaxation as may be indicated in the certificate for such period and on such conditions as it considers appropriate.

NOTE

In section 22, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.

Docks, wharves, quays and warehouses.

23. (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 States and any line or siding used in connection with and for the purposes of the dock, wharf or quay) 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 the 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 I with respect to steam boilers (including the provisions as to exceptions as to steam boilers) so, however, that the owner of the boiler shall be responsible for any contravention of the said

provisions,

- (b) the provisions of section twenty-one with respect to the protection of eyes in certain processes,
- (c) the provisions of section twenty-five with respect to the power of the Royal Court to make orders as to dangerous conditions and practices,
- (d) the provisions of Part III with respect to building operations,
- (e) Part IV,
- (f) Part V,
- (g) the provisions of Part VI with respect to duties, of persons employed, general registers (so far as applicable), powers and duties of inspectors, interpretation of expression "factory" and general interpretation.

(2) Subject as hereinafter in this subsection provided, the provisions of this Ordinance mentioned in paragraph (a) (subject to the modification mentioned in that paragraph) and in paragraphs (c), (e), (f) and (g) of the foregoing subsection shall apply to the processes of loading, unloading or coaling of any ship in any dock or harbour, 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 paragraph (a) shall not apply in relation to any such machinery or plant which is on board a ship and is the property of the ship owner.

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 section twenty of this Ordinance with respect to fire precautions shall apply in relation to every warehouse to which subsection (1) of this section applies as if such warehouse were a factory.

Safety provisions where loading, unloading or coaling of ships is carried on.

24. (1) The provisions of this section shall apply to the processes of loading, unloading, moving and handling goods in, on, or at any dock, wharf, or quay, and to the processes of loading, unloading and coaling any ship in any dock or harbour and to all docks, wharves, quays and ships as aforesaid.

(2) (a) All lifting machinery shall have been tested and examined by a competent person in the manner set out in the Schedule to this Ordinance before being taken into use.

(b) (i) All derricks and permanent attachments, including bridle chains, to the derrick, mast and deck, used in hoisting or lowering shall be inspected once in every twelve months and be thoroughly examined once at least in every four years.

(ii) All other lifting machinery shall be thoroughly examined once at least every twelve months.

(iii) For the purposes of this subsection "**thorough examination**" means a visual examination, supplemented if necessary by other means such as a hammer test, carried out as carefully as the conditions permit, in order to arrive at a reliable conclusion as to the safety of the parts examined and, if necessary for the purpose, parts of the machine and gear must be dismantled.

- (iv) In this section the expression **'lifting machinery'** means cranes, grabs, winches, hoists, derrick booms, derrick and mast bands, goose necks, eyebolts, and all other permanent attachments to the derricks, masts and decks, used in hoisting or lowering in connection with the processes to which the provisions of this section apply.

(3) No chain, ring, hook, shackle, swivel or pulley block shall be used in hoisting or lowering unless it has been tested and examined by a competent person in the manner set out in the Schedule to this Ordinance.

(4) All chains, other than bridle chains attached to derricks or masts, and all rings, hooks, shackles and swivels used in hoisting or lowering shall, unless they have been subjected to such other treatment as may be prescribed, be effectively annealed and at the following intervals –

- (a) half inch and smaller chains, rings, hooks, shackles and swivels in general use once at least in every six months,
- (b) all other chains, rings, hooks, shackles and swivels in general use once at least in every twelve months,

PROVIDED that in the case of such gear used solely on cranes and other hoisting appliances worked by hand, twelve months shall be substituted for six months in paragraph (a) and two years for twelve months in paragraph (b).

PROVIDED also that where [the Committee] is of opinion that, owing to the size, design, material or infrequency of use of any such gear or class of such gear, the requirement of this subsection as to annealing is not necessary for the protection of persons employed, it may by certificate in writing (which it may in its discretion revoke) exempt such gear from such requirement subject to such conditions as may

be specified in such certificate.

(5) All chains, other than bridle chains attached to derricks or masts, and all rings, hooks, shackles, swivels and pulley blocks shall be inspected by a competent person immediately before each occasion on which they are used in hoisting or lowering, unless they have been inspected within the preceding three months.

(6) All chains, rings, hooks, shackles or swivels used in hoisting or lowering which have been lengthened, altered or repaired by welding shall before being again taken into use be adequately tested and re-examined.

- (7) (a) No rope shall be used in hoisting or lowering unless –
- (i) it is of suitable quality and free from patent defect, and
 - (ii) in the case of wire rope, it has been examined and tested by a competent person in the manner set out in the Schedule to this Ordinance.
- (b) Every wire rope in general use for hoisting or lowering shall be inspected by a competent person once at least in every three months, provided that after any wire has broken in such rope it shall be inspected once at least in every month.
- (c) No wire rope shall be used in hoisting or lowering if in any length of eight diameters the total numbers of visible broken wires exceeds ten per centum of the total number of wires, or the rope shows signs of excessive wear, corrosion or other defect which, in the opinion of the person who inspects it, renders it unfit for use.
- (d) A thimble or loop splice made in any wire rope shall

have at least three tucks with a whole strand of the rope and two tucks with one half of the wires cut out of each strand. The strands in all cases shall be tucked against the lay of the rope.

- (e) Nothing in this subsection shall operate to prevent the use of another form of splice which can be shown to be as efficient as that laid down in this subsection.

(8) Nothing in paragraph (a) of subsection (2), subsection (3) and paragraph (a) of subsection (7) of this section so far as regards the tests and examinations required under those paragraphs and that subsection shall apply to machinery, chains or other gear taken into use, or wire rope purchased before the passing of this Ordinance.

NOTES

In section 24, the words in square brackets in subsection (4) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.

The following certificate has been made under section 24:

Safety of Employees (Miscellaneous Provisions) Ordinance, 1952, Certificate of Exemption No. 14 (Annealing), 1953 (G.S.I. No. 36 of 1953).

Power of Royal Court to make orders as to dangerous conditions and practices.

25. ...

NOTE

Section 25 was repealed by the Health and Safety at Work (General) (Guernsey) Ordinance, 1987, section 34, Schedule 3, with effect from 1st December, 1987.

Power of Royal Court to make orders as to dangerous factory.

26. ...

NOTE

Section 26 was repealed by the Health and Safety at Work (General) (Guernsey) Ordinance, 1987, section 34, Schedule 3, with effect from 1st December, 1987.

PART III

Building Operations (Safety Provisions)

Application of Ordinance to building operations.

27. (1) The succeeding sections of this Part of this Ordinance shall apply to building operations as defined in subsection (2) of this section.

(2) In this Ordinance the expression "**building operations**" means the following operations where undertaken by way of trade or business or for the purpose of any industrial or commercial undertaking, or by or on behalf of the States or any public authority, namely, 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, and to machinery or plant used in such operations.

(3) For the purposes of the last preceding subsection the expression "**a building**" includes docks, harbours, wharves, quays, piers, sea defence works, dams, reservoirs, bridges, tunnels, sewers, pipelines, filter beds, gasholders, or pole or lattice work structures designed solely for the support of machinery or plant, but does not include lighthouses at sea, aqueducts and viaducts.

(4) Subject as hereinafter in this section provided, the provisions of this Ordinance hereinafter in this subsection mentioned shall apply to building operations, that is, to say –

- (a) the provisions of Part I with respect to air receivers (including the provisions as to exceptions as to air receivers),

- (b) the provisions of section twenty-one with respect to the protection of eyes in certain processes,
- (c) the provisions of section twenty-five with respect to the power of the Royal Court to make orders as to dangerous conditions and practices,
- (d) Part IV,
- (e) Part V,
- (f) the provisions of Part VI with respect to duties of persons employed, general registers (so far as applicable), powers and duties of inspectors, interpretation of expression "factory" and general interpretation.

(5) The provisions of this Ordinance in their application to building operations shall have effect as if any place where such operations are carried on were a factory, and any person undertaking any such operations 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 shall be deemed to be complied with as respects building operations if the general register is kept at an office of the person undertaking the building operations.

Provision of scaffolds and means of access.

28. Suitable and sufficient scaffolds shall be provided for all work that cannot safely be done on or from the ground or from part of the building, or from part of a permanent structure or from a ladder or other available means of support, and sufficient safe means of access shall so far as is reasonably practicable be provided to every place at which any person has at any time to work.

Supervision of work and inspection of material.

29. No scaffold shall be erected or be substantially added to or altered or be dismantled except under the immediate supervision of a competent person and so far as possible by competent workmen possessing adequate experience of such work. All material for any scaffold shall be inspected by a competent person on each occasion before being taken into use.

Construction and material.

30. (1) Every scaffold and every part thereof shall be of good construction, of suitable and sound material and of adequate strength for the purpose for which it is used.

(2) Sufficient material shall be provided for and shall be used in the construction of scaffolds.

(3) Timber used for scaffolds shall be of suitable quality, be in good condition, have the bark completely stripped off, and not be painted or treated in any way so that defects cannot easily be seen.

(4) Metal parts used for scaffolds shall be of suitable quality and be in good condition and free from corrosion or other patent defect likely to affect their strength materially.

Defective material.

31. (1) No defective material or part which cannot be satisfactorily repaired shall be used for a scaffold. Defective parts or materials which can be satisfactorily repaired shall not be used until they are so repaired.

(2) No rope which is defective whether through contact with an acid or other corrosive substance or otherwise shall be used.

(3) All material and parts for scaffolds shall when not in use be kept under good conditions and apart from any materials or parts unsuitable for scaffolds.

Maintenance.

32. (1) All scaffolds shall be properly maintained, and every part

shall be kept so fixed, secured or placed in position as to prevent so far as is practicable accidental displacement.

(2) No scaffold or part of a scaffold shall be partly dismantled and remain in such a condition that it is capable of being used unless either –

- (a) the scaffold continues to comply and would, if used, comply with the provisions of this Part of this Ordinance, or
- (b) if the scaffold or part thereof would, if used, not comply with the provisions of this Part of this Ordinance, a prominent warning notice indicating that the scaffold or part thereof is not to be used is affixed near any point at which the scaffold or part, as the case may be, is liable to be approached for the purpose of use.

Standards, uprights, ledgers and putlogs.

33. (1) Standards or uprights of scaffolds shall be –

- (a) where practicable vertical or slightly inclined towards the building, and
- (b) fixed sufficiently close together to secure the stability of the scaffold having regard to all the circumstances.

(2) The displacement of the foot of any standard or upright shall, unless prevented in some other sufficient way, be prevented either –

- (a) by sinking the standard or upright a sufficient distance into the ground, or
- (b) by placing the standard or upright on an adequate base plate in a manner to prevent slipping.

(3) Ledgers shall be as nearly as possible horizontal and shall be securely fastened to the uprights or other means of support or suspension by bolts, dogs, ropes or other efficient means.

(4) Where two ledgers are connected together the connection shall be secure and in the case of timber ledgers not connected together at an upright or point of suspension both ledgers shall be connected to a separate splicing ledger of adequate strength spanning between and properly secured to the uprights or points of suspension on opposite sides of the connection of the ledgers.

(5) Putlogs shall be straight or approximately straight and shall be securely fastened to the ledgers or the standards or uprights, except in the case of a timber putlog so shaped and placed that fastening is not necessary to prevent its displacement. Putlogs which have one end supported by a wall shall have at that end a flat supporting surface of a sufficient area. Nails shall not be used for fastening putlogs.

(6) The distance between two consecutive putlogs or other supports on which a platform rests shall be fixed with due regard to the anticipated load and the nature of the platform flooring. As a general rule the distance with single planking shall not exceed 3 feet 3 inches with planks 1¼ inches in thickness, 5 feet with planks 1½ inches in thickness, or 8 feet 6 inches with planks 2 inches in thickness.

Ladders used as uprights and ladder scaffolds.

34. (1) Ladders serving as uprights of scaffolds shall –
- (a) be of adequate strength, and
 - (b) (i) be sunk into the ground to such a depth as to secure stability, or be placed on sole plates or boards so that the two uprights of each ladder rest evenly on the base, and
 - (ii) be secured to prevent slipping.

(2) Ladder scaffolds shall not be used unless the work is of such a light nature and the material required for the work is such that this type of scaffold can be used with safety.

Support and stability of scaffolds.

35. (1) Every scaffold shall be securely supported or suspended and shall where necessary be sufficiently and properly strutted or braced to ensure stability and, unless it is properly designed and constructed as an independent scaffold, shall be rigidly connected with the building.

(2) All structures and appliances used as supports for scaffolds, working platforms, gangways or runs shall be of sound construction, have a firm footing or be firmly supported, and shall where necessary be sufficiently and properly strutted or braced to ensure stability.

(3) Any travelling scaffold or scaffold which can be moved on wheels or skids shall, unless it is a suspended or slung scaffold, be –

- (a) constructed with due regard to stability, and, if necessary for stability, adequately weighted at the base,
- (b) used only on a firm and even surface, not so sloping as to involve risk of instability of the scaffold or any load thereon,
- (c) adequately secured to prevent movement when any person is working upon it,
- (d) moved only by the application of force at or near the base.

(4) Loose bricks, drain pipes, chimney pots or other unsuitable material shall not be used for the construction or support of scaffolds save that bricks or small blocks may, if they provide a firm support, be used to support a platform not more than two feet above the ground or floor.

Scaffolds supported by building.

36. No part of a building shall be used as support for part of a scaffold unless it is of sound material and sufficiently stable and of sufficient strength to afford safe support. Overhanging eaves gutters shall not be used as such supports unless they have been specially designed as walkways and are of adequate strength.

Trestle scaffolds.

37. No trestle scaffold shall be used –

- (a) if constructed with more than three tiers, or
- (b) if it has a working platform more than 15 feet above the ground or floor or other surface upon which the scaffold is erected.

Inspection of scaffolds.

38. No scaffold shall be used unless –

- (a) it has been inspected by a competent person within the immediately preceding seven days, and
- (b) it has been inspected by a competent person since exposure to weather conditions likely to have affected its strength or stability or to have displaced any part.

Scaffolds used by workmen of more than one employer.

39. Where a scaffold or part of a scaffold is to be used by or on behalf of an employer other than the employer for whose workmen it was first erected, the first-mentioned employer shall, before such use, and without prejudice to any other obligations imposed upon him by the provisions of this Part of this Ordinance, take express steps, either personally or by a competent agent, to satisfy himself that the scaffold or part thereof is stable, that the materials used in its construction are sound and that the safeguards required by the provisions of this Part of this Ordinance are in position.

Working platforms (including working stages).

40. Every working platform from which a person is liable to fall more than 6 feet 6 inches shall be –

- (a) closely boarded, planked or plated,
- (b) at least 25 inches wide if the platform is used as a footing only and not for the deposit of any material, or
- (c) at least 34 inches wide if the platform is used for the deposit of material.

Boards and planks in working platforms, gangways and runs.

41. (1) Every board or plank forming part of a working platform or used as a toe-board shall be –

- (a) of a thickness which is such as to afford adequate security having regard to the distance between the putlogs or standards, and
- (b) not less than 8 inches wide or in the case of boards or planks exceeding 2 inches in thickness, not less than 6 inches wide.

(2) No board or plank which forms part of a working platform, gangway or run shall project beyond its end support to a distance exceeding four times the thickness of the board or plank unless it is effectively secured to prevent tipping, or to a distance which, having regard to the thickness and strength of the plank renders the projecting part of the plank an unsafe support for any weight liable to be upon it.

(3) Suitable measures such as the provision of adequate bevelled pieces shall be taken to reduce to a minimum the risk of tripping and to facilitate the movement of barrows where boards or planks which form part of a working platform, gangway or run overlap each other or are not of reasonably uniform thickness where they meet each other or owing to warping or for some other reason

do not provide an even surface.

(4) Every board or plank which forms part of a working platform shall –

- (a) rest securely and evenly on its supports, and
- (b) rest on at least three supports unless, taking into account the distance between the supports and the thickness of the board or plank, the conditions are such as to prevent undue sagging.

(5) Where work has to be done at the end of a wall the working platform at such wall shall, wherever practicable, extend at least 24 inches beyond the end of the wall.

Platforms, gangways, etc., to be unobstructed and to afford safe foothold.

42. (1) Every platform, gangway, run or stair shall be kept free from any unnecessary obstruction, material or rubbish and from any projecting nails.

(2) If a platform, gangway, run or stair becomes slippery appropriate steps shall as soon as reasonably practicable be taken by way of sanding, cleaning or otherwise to remedy the defect.

Ladders and step-ladders.

43. (1) Every ladder and step-ladder shall be of good construction, sound material and adequate strength for the purpose for which it is used.

(2) Where a ladder is used as a means of communication or as a working place the ladder shall rise, or adequate handhold shall be provided, to a height of at least 3 feet 6 inches above the place of landing or the highest rung to be reached by the feet of any person working on the ladder as the case may be or if that is impracticable to the greatest practicable height:

PROVIDED that the provisions of this subsection shall not apply to a crawling ladder.

Consolidated text

(3) Ladders or step-ladders shall not stand on loose bricks or other loose packing, but shall have a level and firm footing.

(4) Every ladder shall so far as practicable be securely fixed so that it can move neither from its top nor from its bottom points of rest.

If it cannot be so securely fixed it shall where practicable be securely fixed at the base or if such fixing at the base is impracticable a person shall be stationed at the base of the ladder to prevent slipping.

PROVIDED that the provisions of this subsection shall not apply to a ladder which is not more than 10 feet in length and which is not used as a means of communication, if the ladder is securely placed so as to prevent it from slipping or falling.

(5) Every ladder shall be –

(a) secured where necessary to prevent undue swaying or sagging,

(b) equally and properly supported on each upright.

(6) Every ladder or run of ladders rising a vertical distance of over 30 feet shall if practicable be provided with an intermediate landing place or places so that the vertical distance between any two successive landing places shall not exceed 30 feet. Every landing place shall be of adequate dimensions and, if a person is liable to fall therefrom for a distance of more than 6 feet 6 inches, shall, except in so far as that is not reasonably practicable, be provided with sufficient and suitable guard-rails to a height of at least 3 feet above the landing place. Where a ladder passes through an opening in the floor of a landing place, the opening shall be as small as is reasonably practicable.

(7) No ladder shall be used which has –

(a) a missing or defective rung, or

- (b) any rung which depends for its support solely on nails, spikes, or other similar fixing.
- (8) No wooden ladder shall be used unless it is constructed with –
 - (a) uprights of adequate strength made of straight-grained wood free from defects and having the grain of the wood running lengthwise, and
 - (b) rungs made of straight-grained wood free from defects and mortised or securely notched into the uprights, and
 - (c) reinforcing metal ties if the tenons are not secured by wedges.

Openings in roofs, floors and walls.

44. Every accessible opening in a roof or in the floor of a building, working platform, gangway, or run, through which any person is liable to fall a distance of more than 6 feet 6 inches, shall be provided with –

- (a) a suitable guard-rail or guard-rails of adequate strength to a height of at least 3 feet above the edge of such opening, together with toe-boards up to a sufficient height, being in no case less than 8 inches, and so placed as to prevent so far as possible the fall of persons, materials and tools through the opening, or
- (b) a covering so constructed as to prevent the fall of persons, materials and tools through the opening:

PROVIDED that in the case of an opening of a pit in the floor of a factory which is not ordinarily fenced, the requirements of this section shall not apply by reason only that repair or maintenance work to which this Part of this Ordinance applies is being done by persons normally engaged on such repair or maintenance work in the

factory.

Roof work.

45. (1) Where work is done on the sloping surface of a roof and, taking into account the pitch, the nature of the surface, and the state of the weather, a person employed is likely to slip down or off the roof, then unless he has adequate handhold or foothold or is not liable to fall a distance of more than 6 feet 6 inches from the edge of the roof, suitable precautions shall be taken to prevent his so falling.

(2) Extensive work on the sloping surface of any roof which has a pitch of over 34 degrees and from or down any part of which a person is liable to fall a vertical distance of more than 6 feet 6 inches, shall be done only by workmen who are suitable for such work, and when such work is done –

- (a) there shall be provided sufficient and suitable crawling ladders or crawling boards which shall be secured as soon as practicable, and
- (b) there shall be provided where practicable a suitable working platform, securely supported, and not less than 17 inches wide, and
- (c) when a person is employed on a roof where he is liable to slip down the slope and fall off the edge of the roof covering to a distance of more than 6 feet 6 inches, there shall be a parapet wall or railings of adequate strength or other protective arrangements to prevent him from so falling.

(3) Where work is being done on or near roofs or ceilings covered with fragile materials through which a person is liable to fall a distance of more than 10 feet and where workmen have to pass over or work above such fragile materials, suitable and sufficient ladders, duck ladders or crawling boards, which shall be securely supported, shall be provided and used.

(4) Where persons are employed in a position below the edge of a sloping roof and where they are in a position of being endangered by work done on the roof, suitable precautions shall be taken to prevent tools or materials falling from such roofs or from the edge thereof so as to endanger such persons employed.

Scaffolds not to be overloaded.

46. Scaffolds shall not be overloaded and materials shall not be kept upon them unless needed for work within a reasonable time.

Avoidance of shock on scaffolds.

47. When any material is transferred on or to a scaffold it shall be moved or deposited without imposing any violent shock.

Construction, maintenance and inspection of lifting appliances.

48. (1) Every lifting appliance and every part thereof including all working gear and all plant or gear used for anchoring or fixing such appliances shall –

- (a) be of good mechanical construction, sound material, adequate strength and substance and free from patent defects, and
- (b) be properly maintained.

Support, anchoring, fixing and erecting of lifting appliances.

49. (1) Every lifting appliance shall be adequately and securely supported and every part of a stage, framework or other structure and every mast, beam, pole or other article of plant supporting any part of a lifting appliance shall be of good construction, sound material and adequate strength having regard to the nature of the lifting appliance, its lifting and reaching capacity, and the circumstances of its use.

(2) Every part of the framework of every crab or winch including the bearers, shall be of metal, provided that in the case of a crab or winch not driven by mechanical power this requirement shall not as respects bearers come into force until twelve months after the commencement of this Ordinance.

(3) The anchoring or fixing arrangements of every appliance shall be adequate and secure.

(4) Every temporary attachment or connection of a rope, chain or other plant or gear used in the erection or dismantling of any lifting appliance shall be adequate and secure.

Safety of excavations.

50. An adequate supply of timber of suitable quality or other suitable material shall where necessary be provided and used to prevent, so far as is reasonably practicable and as early as is reasonably practicable in the course of the work, danger to any person employed from a fall or dislodgment of earth, rock or other material forming the side of or adjacent to any excavation or earth work. Without prejudice to the carrying out of any other examination found necessary to ensure compliance with the provisions of this section every part of an excavation or earth work, not being a part to which the proviso (i) below applies, shall be specially examined by a competent person at least once in every period of seven days for the purpose of assisting to ensure compliance with this section and in particular to see that timber and other supports are adequate and in good condition:

PROVIDED that –

- (i) the provisions of this section shall not apply where, having regard to the nature and slope of the side of the excavation or earthwork and other circumstances, no fall or dislodgment of earth or other material so as to bury or trap a person employed, or so as to strike a person employed from a height of more than four feet, is liable to occur,
- (ii) the provisions of this section shall not apply in relation to a person actually engaged in timbering or other work (including an examination as aforesaid) which is being

carried out for the purpose of compliance with the provisions of this section, if appropriate precautions are taken to ensure his safety as far as circumstances permit,

- (iii) the foregoing requirements as to a special weekly examination shall not apply until the work has been in progress for a period of at least seven working days (whether continuous or not).

Excavations likely to reduce security of a structure.

51. No excavation or earth work which is likely to reduce, so as to endanger any person employed, the security or stability of any part of any structure, whether temporary or permanent, shall be commenced or continued unless adequate steps are taken before and during the progress of the work to prevent danger to any person employed from collapse of the structure or the fall of any part thereof.

Fencing of excavations etc.

52. Every accessible part of an excavation, pit or opening in the ground into or down the side of which a person employed is liable to fall a vertical distance of more than 6 feet 6 inches shall be provided with a suitable barrier to a height of at least 2 feet and as close as is reasonably practicable to the edge:

PROVIDED that the foregoing requirement shall not apply to any part of an excavation, pit or opening while (and to the extent to which) the absence of such barrier is necessary for the access of persons or for the movement of plant or materials or while (and to the extent to which) it has not yet been practicable to erect such barrier since the formation of that part of the excavation, pit or opening.

Safeguarding edges of excavations etc.

53. (1) Material shall not be placed or stacked near the edge of any excavation, pit or opening in the ground so as to endanger persons employed below.

(2) No load shall be placed or moved near the edge of any excavation where it is likely to cause a collapse of the side of the excavation and

thereby endanger any person.

Demolition of buildings.

54. (1) The provisions of this section shall apply to the demolition of any building or substantial part of a building.

(2) The demolition and operations incidental thereto shall be specifically placed under the supervision of a competent person experienced in demolition operations and appointed for the purpose whose name shall be posted up in a prominent position on the site of the operations, so however that where two or more contractors take part in the operations each such contractor shall appoint a competent person as aforesaid and either the same person shall be jointly appointed by every such contractor or each such contractor shall make arrangements to ensure that no operation is undertaken by his workmen except after consultation between all persons so appointed as to the method by which and the time at which the operation is to be carried out.

(3) Before demolition is commenced and also during the progress of the work –

- (a) no electric cable or apparatus which is liable to be a source of danger, other than a cable or apparatus used for the operation, shall remain electrically charged,
- (b) all practicable steps shall be taken to prevent danger to persons employed –
 - (i) from risk of fire or explosion through leakage or accumulation of gas or vapour, and
 - (ii) from risk of flooding from water mains, sewers or culverts.

(4) No floor, roof or other part of the building shall be so overloaded with debris or materials as to render it unsafe.

(5) The following operations shall be carried out only (i) under the immediate supervision of a competent foreman or chargehand with adequate experience of the particular kind of work, or (ii) by workmen experienced in the kind of work and under the direction of a competent foreman or chargehand as aforesaid –

- (a) the actual demolition of the framework of a building or of any floor, wall, roof, staircase or chimney, except where there is no risk of a collapse of any part of the building in the course or as a result of the said demolition, so as to endanger any person employed, other than a risk which could not reasonably have been foreseen,
- (b) the actual demolition of any part of a building where there is a special risk of a collapse, whether of that or of any other part of a building, in the course of or as a result of the said demolition, so as to endanger any person employed,
- (c) the cutting of reinforced concrete, steelwork or ironwork forming part of the structure of a building,

and before any steelwork or ironwork is cut or released, precautions shall be taken, so far as is practicable, to avoid danger from any sudden twist, spring or collapse.

(6) All practicable precautions shall be taken to avoid danger from collapse of the structure when any part of the framing is removed from a framed or partly framed building.

(7) Before demolition is commenced and also during the progress of the work precautions shall, where necessary, be taken by adequate shoring or otherwise to prevent, as far as is practicable, the accidental collapse of any part of the building or of any adjoining building the collapse of which may endanger any person employed:

PROVIDED that this requirement shall not apply in relation to any person actually engaged in erecting or placing shoring or other safeguards for the purpose of compliance with the provisions of this section if appropriate precautions are taken to ensure his safety as far as circumstances permit.

Interpretation.

55. In this Part of this Ordinance, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them –

"hoist" means a lifting machine, whether worked by mechanical power or not, with a carriage, platform or cage the direction of movement of which is restricted by a guide or guides,

"ladder" does not include step-ladder,

"ladder scaffold" means a scaffold with a working platform which is supported directly or by means of a crutch or bracket on a rung or rungs of a ladder,

"lifting appliance" means a crab, winch, pulley block or gin wheel used for raising or lowering, and a hoist, crane, sheer legs, excavator, drag line, pile driver, pile extractor, aerial cableway or overhead runway,

"lifting gear" means a chain sling, rope sling, ring, link, hook, shackle, swivel or eyebolt,

"scaffold" means any temporary structure on or from which persons perform work in connection with an operation to which this Part of this Ordinance applies, and any temporary structure which enables persons to obtain access to or which enables materials to be taken to any place at which such work is performed, and includes any working platform, gangway, run, ladder or step-ladder (other than an independent ladder or step-ladder which does not form part of such a structure) together with any guardrail, toe-board or other safeguard and all fixings, but does not include a lifting appliance or a structure used merely to support such an appliance or to support other machinery or plant,

"suspended scaffold" means a scaffold suspended by means of ropes or chains and capable of being lowered or raised by such means but does not include a boatswain's chair or similar appliance,

"trestle scaffold" includes a scaffold in which the supports for the platform are step-ladders, tripods or similar movable contrivances,

"working platform" includes a working stage.

Obligations under this Part of this Ordinance.

56. It shall be the duty of every contractor and employer of workmen who is undertaking any of the operations to which this Part of this Ordinance applies –

- (i) to comply with such of the requirements of sections 28 to 44 inclusive and of sections 50 and 52 of this Ordinance as affect any workman employed by him; provided that the requirements of the said sections shall be deemed not to affect any workman if and so long as his presence in any place is not in the course of performing any work on behalf of his employer or is not expressly or impliedly authorised or permitted by his employer,
- (ii) to comply with such of the requirements of sections 45 to 47 inclusive and of sections 51, 53 and 54 of this Ordinance as relate to any work, act, or operation performed or about to be performed by such contractor or employer of workmen:

and it shall be the duty of every contractor and employer of workmen who erects or alters any scaffold to comply with such of the requirements of sections 28 to 44 inclusive of this Ordinance as relate to the erection or alteration of scaffolds having

regard to the purpose or purposes for which the scaffold is designed at the time of erection or alteration.

It shall be the duty of every person employed to comply with the requirements of such sections of this Ordinance as relate to the performance of an act by him and to co-operate in carrying out the provisions of this Part of this Ordinance and if he discovers any defect in the scaffolding, plant or appliances to report such defect without unreasonable delay to his employer or foreman.

PART IV

Notification and Investigation of Accidents

Notification of accidents.

57. ...

NOTE

Part IV, and section 57 thereof, were repealed by the Health and Safety at Work (General) (Guernsey) Ordinance, 1987, section 34, Schedule 3, with effect from 1st December, 1987.

Investigation of accidents.

58. ...

NOTE

Part IV, and section 58 thereof, were repealed by the Health and Safety at Work (General) (Guernsey) Ordinance, 1987, section 34, Schedule 3, with effect from 1st December, 1987.

PART V

Offences, Penalties and, Legal Proceedings

Offences.

59. (1) In the event of any contravention in or in connection with or

in relation to a factory of the provisions of this Ordinance, 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 section seventy-two of this Ordinance with respect to duties of persons employed that person shall be guilty of an offence and the occupier or owner, as the case may be, shall not be guilty of an offence by reason only of the contravention of the provisions of the said section seventy-two unless it is proved that he failed to take all reasonable steps to prevent the contravention, but this subsection shall not be taken as affecting any liability of the occupier or owner in respect of the same matters by virtue of some provision other than the provisions as aforesaid.

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

(4) If any persons are employed in a factory otherwise than in accordance with the provisions of this Ordinance there shall be deemed to be a separate contravention in respect of each person so employed.

(5) 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.

NOTE

In accordance with the provisions of the Safety of Employees (First-Aid and Welfare) Ordinance, 1954, section 6(1), with effect from 1st October, 1954, the provisions of this Part of this Ordinance shall apply for the enforcement of the 1954 Ordinance and otherwise in relation thereto as if the provisions, other than section 5, section 6 and section 7, of the 1954 Ordinance were enacted in this Ordinance.

Fines for offences for which no express penalty provided.

60. 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 not exceeding [level 1 on the uniform scale], and if the contravention in respect of which he was so convicted is continued after the conviction he shall (subject to the provisions of the next succeeding section) be guilty of a further offence and liable in respect thereof to a fine not exceeding five pounds for each day on which the contravention was so continued.

NOTE

In section 60, the words in square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.

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

61. 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 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 not exceeding five pounds for each day on which the non-compliance continues.

Forgery of certificates, false entries and false declarations.

62. ...

NOTE

Section 62 was repealed by the Health and Safety at Work (General) (Guernsey) Ordinance, 1987, section 34, Schedule 3, with effect from 1st

December, 1987.

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

63. 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 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.

Proceedings against actual offenders.

64. When in relation to an offence under this Ordinance, it is made to appear to the satisfaction of a Law Officer of the Crown –

- (a) that the occupier or owner 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,

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

Proceedings against persons other than occupiers or owners.

65. Where under this Ordinance, any person is substituted for the occupier or owner with respect to any provisions of this Ordinance, any summons, notice or proceedings, 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.

Owner of machine liable in certain cases instead of occupier.

66. 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.

Prosecution of offences.

67. (1) In any proceedings under this Ordinance it shall be sufficient in the charge or summons 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.

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

Special provisions as to evidence.

68. (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 any entry is required by this Ordinance 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 provisions of this Ordinance has not been made, shall be admissible as evidence that that provision has not been observed.

Service and sending of documents, etc.

69. ...

NOTE

Section 69 was repealed by the Health and Safety at Work (General) (Guernsey) Ordinance, 1987, section 34, Schedule 3, with effect from 1st December, 1987.

Power of Royal Court to modify agreements.

70. 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 in order to conform with any standard or requirement imposed by or under this Ordinance he may apply to the Royal Court sitting as an Ordinary Court and that Court after hearing the parties and any witnesses whom it desires 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 Royal Court to apportion expenses.

71. 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 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 the Royal Court sitting as an Ordinary Court, and that Court, after hearing the parties and any witnesses whom they may desire to call, may make such an order concerning the expenses or their apportionment as that 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 VI

General

Duties of persons employed.

72. (1) No person employed in a factory or in any other place to which any of the 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.

(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.

NOTE

In accordance with the provisions of the Safety of Employees (First-Aid and Welfare) Ordinance, 1954, section 5(1), with effect from 1st October, 1954, this section shall have effect as if any reference in subsection (1) thereof to this Ordinance included a reference to the 1954 Ordinance.

General registers.

73. (1) There shall be kept in every factory, or in such place outside the factory as may be approved by [the Committee], 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, whitewashing or colour washing, painting or varnishing of the factory, and
- (c) the prescribed particulars as to every accident occurring in the factory of which notice is required to be sent to [the Committee], and

- (d) all reports and particulars required by any other provision of this Ordinance to be entered in the general register, and
- (e) such other matters as may be prescribed either generally or in respect of any particular factory.

(2) The occupier of a factory shall send to [the Committee] such extracts from the general register as [the Committee] may from time to time require for the purpose of carrying into effect the provisions of this Ordinance.

(3) 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 any other person authorised in that behalf by [the Committee], for at least two years, or such other period as may be prescribed, after the date of the last entry in the register or record.

NOTES

In section 73, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.

In accordance with the provisions of the Safety of Employees Regulations, 1953, regulation 9, with effect from 2nd March, 1953, the form of the general register required to be kept under this section shall be Form 2.

In accordance with the provisions of the Safety of Employees Regulations, 1956, regulation 2, with effect from 1st November, 1956, the prescribed particulars as to the young persons employed in the factory to be entered in or attached to the general register are as set out in the said regulation 2.

Appointment, and duties of inspectors and clerks and servants.

74. ...

NOTE

Section 74 was repealed by the Health and Safety at Work (General) (Guernsey) Ordinance, 1987, section 34, Schedule 3, with effect from 1st

December, 1987.¹

Powers of inspectors.

75. ...

NOTE

Section 75 was repealed by the Health and Safety at Work (General) (Guernsey) Ordinance, 1987, section 34, Schedule 3, with effect from 1st December, 1987.

Certificate of appointment of inspector.

76. ...

NOTE

Section 76 was repealed by the Health and Safety at Work (General) (Guernsey) Ordinance, 1987, section 34, Schedule 3, with effect from 1st December, 1987.

General application of Ordinance.

77. Save as is 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 a contrary intention appears, apply to all such factories.

Application of Ordinance to electrical stations.

78. (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.

(2) The provisions of this Ordinance shall 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) The provisions of this section shall not 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.

(4) For the purposes of the definition in section eighty-one 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.

Power of [Committee] to grant exemptions.

79. (1) In any case where [the Committee] is satisfied that owing to exceptional circumstances the fulfilment of any requirement of this Ordinance is unnecessary or impracticable, it may by certificate grant, subject to any conditions specified in the certificate, exemption from compliance with such requirement.

(2) The power conferred on [the Committee] by this section shall be additional to and not in derogation of any power conferred on [the Committee] by any other section of this Ordinance.

NOTE

In section 79, and the marginal note thereto, the words "Committee" and "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.

Expenses of [the Committee].

80. The expenses of [the Committee] incurred in carrying this Ordinance into effect shall be defrayed out of moneys provided by the States.

NOTE

In section 80, and the marginal note thereto, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.

Interpretation of expression "factory".

81. (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 place (including the precincts thereof) in which boats, 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 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 vehicles where only cleaning, washing, running repairs or minor adjustments are carried out,
- (vii) any premises in which printing by letter-press, 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,

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- (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 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 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,
- (x) 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,
- (xi) any premises used for the storage of gas in a gasholder having a storage capacity of not less than five thousand cubic feet,
- (xii) any premises or place in which mechanical power is used by or on behalf of the States [Committee for the Environment & Infrastructure] for the purpose of providing a piped water supply.

(2) A part of a factory may, with the approval in writing of [the Committee], be taken to be a separate factory and two or more factories may, with the like approval, be taken to be a single factory.

(3) 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, in the case of any such workplace not being a tenement factory or part of a tenement factory, 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.

(4) Where a place situate within the close, curtilage 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.

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

(6) Any premises belonging to or in the occupation of the States or other public authority shall not be deemed not to be a factory, and building operations undertaken by or on behalf of the States 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.

(7) Notwithstanding anything in this section to the contrary there shall be excluded from the definition of a factory –

- (i) any premises used wholly or mainly for the carrying on of agriculture or horticulture,
- (ii) any premises used wholly or mainly for the packing and grading of fresh fruit, fresh vegetables or flowers,

PROVIDED that section fifteen and Part III of this Ordinance shall have effect as though this subsection were not enacted in this Ordinance.

NOTES

In section 81,

the words in square brackets in subsection (1) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 12(a), with effect from 1st May, 2016;²

the words in square brackets in subsection (2) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.

The functions, rights and liabilities of the Public Services Department and of its Minister or Deputy Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Committee for the Environment & Infrastructure and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 12(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.³

General interpretation.

82. (1) In this Ordinance, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say –

["**the Committee**]" means the [States of Guernsey [Committee for Employment & Social Security]] or such other committee as the States may by Resolution appoint,]

"bodily injury" includes injury to health,

"calendar year" means the period of twelve months beginning with the first day of January in any year,

"cellulose cabinet" means a cabinet, booth, or similar structure within which cellulose solutions or inflammable liquids are manipulated or used,

"cellulose solution" means any solution in inflammable liquid of cellulose acetate, of cellulose nitrate, of celluloid, or of any other substance

containing cellulose acetate, cellulose nitrate or any other cellulose compound, with or without the admixture of other substances,

"cellulose space" means a room or part of a room within which cellulose solutions or inflammable liquids are manipulated or used otherwise than in a cellulose cabinet,

"child" means a person who has not attained the age of fourteen years,

"contravention" includes, in relation to any provision, a failure to comply with that provision, and the expression **"contravene"** shall be construed accordingly,

"driving belt" includes any driving strap or rope,

"fume" includes gas or vapour,

"general register" means the register kept in accordance with the requirements of section seventy-three of this Ordinance,

"harbour" includes piers, jetties, and other works in or at which ships can obtain shelter, or ship and unship goods or passengers,

"inspector" means an inspector appointed under this Ordinance,

"Law" means "the Health, Safety and Welfare of Employees Law, 1950",

"machinery" includes any driving belt,

"maintained" means maintained in an efficient state, in efficient working order, and in good repair,

"prescribed" means prescribed by [the Committee],

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

"pulley block" means any pulley, block, gin and similar gear, other than a crane block specially constructed for use with a crane to which it is permanently attached,

"Royal Court" means the Royal Court sitting as a Full Court,

"ship" includes every description of vessel used in navigation not propelled by oars,

"tenement factory" means any premises where mechanical power from any prime mover within the close or the curtilage of the premises is distributed for use in manufacturing processes to different parts of the same premises occupied by different persons in such manner that those parts constitute in law separate factories,

"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,

"vessel" means any ship or boat, or any other description of vessel used in navigation,

"woman" means a woman who has attained the age of eighteen years,

"young person" means a person who has attained the age of fourteen years 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 reconstructed before the passing of this Ordinance, and a factory or building shall be deemed to have been constructed,

reconstructed, extended, added to, or converted for use as a factory, before the passing of this Ordinance, if the construction, reconstruction, extension, addition or conversion was begun before the passing of this Ordinance.

(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 heating, 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 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, be deemed to be employed therein for the purposes of this Ordinance or of any proceedings thereunder.

NOTES

In section 82,

the words in the first pair of square brackets in subsection (1) were substituted by the Transfer of Functions Ordinance, 1991, section 4, Schedule 3, paragraph 4, with effect from 31st July, 1991;

the words in the second pair of square brackets within the definition of the expression "the Committee" in subsection (1) were substituted by the Board of Employment, Industry and Commerce (Transfer of Functions) Ordinance, 1996, section 3, Schedule 2, paragraph 14, with effect from 31st October, 1996;

the words, first, "the Committee" and, second, "Committee for Employment & Social Security" in square brackets in the definition of the expression "the Committee" in subsection (1) and, third, the words "the Committee" in square brackets wherever else occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 5(1), Schedule 3, paragraph 4, section 2, Schedule 1, paragraph 1(b), Schedule 2, Part 1, paragraph 1 and section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.⁴

The functions, rights and liabilities of the Commerce and Employment Department and of its Minister or Deputy Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Committee for Employment & Social Security and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 1(b), Schedule 2, Part

1, paragraph 1, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.⁵

In accordance with the provisions of the Education (Guernsey) Law, 1970, section 46, with effect from 28th October, 1970, for the purposes of this Ordinance relating to the prohibition or regulation of the employment of children or young persons, any person who is not for the purposes of the 1970 Law over compulsory school age shall be deemed to be a child within the meaning of this Ordinance.

Extent of operation of Ordinance.

83. This Ordinance shall apply to the Island of Guernsey.

Commencement.

84. This Ordinance shall come into force on the 1st day of March, 1953.

SCHEDULE

Section 24*Manner of Test and Examination before taking Lifting Machinery and Gear into use*

(a) Every winch with the whole of the gear accessory thereto (including derricks, goose necks, eye-plates, eye-bolts or other attachments) shall be tested with a proof load which shall exceed the safe working load as follows –

<i>Safe working load.</i>		<i>Proof load.</i>
Up to 20 tons	.....	25 per cent in excess.
20-50 tons	.....	5 tons in excess.
Over 50 tons	.....	10 per cent in excess.

The proof load shall be applied either (i) by hoisting movable weights or (ii) by means of a spring or hydraulic balance or similar appliance, with the derrick at an angle to the horizontal which shall be stated in the certificate of the test. In the former case, after the movable weights have been hoisted, the derrick shall be swung as far as possible in both directions. In the latter case, the proof load shall be applied with the derrick swung as far as practicable first in one direction and then in the other.

(b) Every crane and other hoisting machine with its accessory gear shall be tested with a proof load which shall exceed the safe working load as follows –

<i>Safe working load.</i>		<i>Proof load.</i>
Up to 20 tons	.....	25 per cent in excess.
20-50 tons	.....	5 tons in excess.
Over 50 tons	.....	10 per cent in excess.

The said proof load shall be hoisted and swung as far as possible in both directions. In the case of a jib-crane, if the jib has a variable radius, it shall be tested with a proof load as defined above at the maximum and minimum radii of the jib. In the case of hydraulic cranes or hoists, where, owing to the limitation of pressure, it is impossible to hoist a load 25 per cent in excess of the safe working

load, it shall be sufficient to hoist the greatest possible load.

(c) Every article of loose gear (whether it is accessory to a machine or not) shall be tested with a proof load at least equal to that shown against the article in the following table –

<i>Article of Gear.</i>	<i>Proof load.</i>
Chain 	} Twice the safe working load.
Ring 	
Hook 	
Shackle 	
Swivel 	
 <i>Pulley Blocks:</i>	
Single Sheave Block	Four times the safe working load.
Multiple Sheave Block with safe working load up to and including 20 tons 	} Twice the safe working load.
Multiple Sheave Block with safe working load over 20 tons up to and including 40 tons	} 20 tons in excess of the safe working load.
Multiple Sheave Block with safe working load over 40 tons ...	} One and a half times the safe working load.

PROVIDED that where [the Committee] is of opinion that, owing to the size, design, construction, material or use of any such loose gear or class of such gear, any of the above requirements are not necessary for the protection of persons employed, it may by certificate in writing (which it may in its discretion revoke) exempt such gear or class of gear from such requirement, subject to such conditions as may be stated in the certificate.

(d) After being tested as aforesaid, all machines with the whole of the gear accessory thereto and all loose gear shall be examined, the sheaves and the pins of the pulley blocks being removed for the purpose, to see that no part is injured or permanently deformed by the test.

(e) In the case of wire ropes, a sample shall be tested to destruction and the safe working load shall not exceed one-fifth of the breaking load of the sample tested.

NOTE

In the Schedule, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.

¹ Prior to its repeal, section 74 was amended by the States Civil Service Board (Implementation) Ordinance, 1964, section 1, Schedule, with effect from 29th January, 1964.

² These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 31, with effect from 6th May, 2004.

³ The functions, rights and liabilities of the Public Services Department and its Minister arising under or by virtue of this Ordinance were previously transferred to and vested in them, respectively, from the Water Board and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 31, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

⁴ The words "Committee for Employment & Social Security" were previously substituted by the Transfer of Functions Ordinance, 1991, section 4, Schedule 3, paragraph 4, with effect from 31st July, 1991; the Board of Employment, Industry and Commerce by the Board of Employment, Industry and Commerce (Transfer of Functions) Ordinance, 1996, section 3, Schedule 2, paragraph 14, with effect from 31st October, 1996; the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 5, with effect from 6th May, 2004.

⁵ The functions, rights and liabilities of the Commerce and Employment Department and its Minister arising under or by virtue of this Ordinance were previously transferred to them from the Board of Industry and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 5, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance; the functions of the Board of Industry were previously transferred to it from the Board of Employment, Industry and Commerce by the Board of Employment, Industry and Commerce (Transfer of Functions) Ordinance, 1996, section 1, Schedule 1, paragraph 15, with effect from 31st October, 1996, subject to the savings and transitional provisions in section 2 of the 1996 Ordinance; the functions of the Board of Employment, Industry and Commerce arising under or by virtue of this Ordinance were previously transferred to it from the States Labour and Welfare Committee by the Transfer of Functions Ordinance, 1991, section 2, Schedule 2, paragraph 4, with effect from 31st July, 1991, subject to the savings and transitional provisions in section 3 of the 1991 Ordinance.