



SUPPLEMENT No. 2
TO
THE SOVEREIGN BASE AREAS GAZETTE

No. 123 of 30th NOVEMBER, 1964.

LEGISLATION.

ORDINANCE 22 OF 1964.

AN ORDINANCE
TO AMEND THE FACTORIES ORDINANCE.

T.O. PRICKETT,
ADMINISTRATOR.

25th November, 1964.

BE it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:-

1. This Ordinance may be cited as the Factories (Amendment) Ordinance, 1964 and shall be read as one with the Factories Ordinance (hereinafter referred to as "the principal Ordinance").

Short title.

Cap. 134 (Laws of Cyprus).

2. Section 33 of the principal Ordinance is hereby amended:-

Section 33 of the principal Ordinance amended.

(a) by deleting in the first and second lines of subsection (2) thereof the words "(2) Every hoist or lift shall be thoroughly examined, at least once in every period of six months," and substituting therefor the words "(2) Every hoist or lift shall immediately before its installation and its use for the first time in a factory and thereafter at least once in every period of six months, be examined";

(b) by inserting at the end of subsection (2) thereof the following proviso:-

"Provided that where the examination shows that the hoist or lift cannot continue to be used with safety

unless certain repairs are carried out the person making the report of the examination shall specify in his report the repairs to be made and the time within which such repairs shall be made.”.

3. Section 35 of the principal Ordinance is hereby amended:-

(a) by deleting in the first and second lines of subsection (2) thereof the words “be thoroughly examined, at least once in every period of fourteen months,” and substituting therefor the words “immediately before their installation and use for the first time in a factory and thereafter at least once in every period of fourteen months, be examined”;

(b) by inserting at the end of subsection (7) thereof the following proviso:-

“Provided that if any person is employed or working in any place above floor level where he would be liable to be struck by an overhead travelling crane, or by any load carried by an overhead travelling crane, effective measures shall be taken to warn him of the approach of the crane, unless his work is so connected with or dependent on movements of the crane as to make a warning unnecessary.”.

4. Section 36 of the principal Ordinance is hereby amended by deleting the full stop and adding at the end of subsection (1) thereof the following words:-

“and shall, so far as reasonably practicable, be kept free from any obstruction and from any substance likely to cause persons to slip.”.

5. Section 37 of the principal Ordinance is hereby amended by deleting the full stop and adding at the end of subsection (1) thereof the following words:-

“and every such place shall, so far as is reasonably practicable, be made and kept safe for any person working there.”.

6. The principal Ordinance is hereby amended by repealing Section 38 thereof and substituting therefor the following new section:-

“Dangerous fumes and lack of oxygen.

38.—(1) The provisions of subsection (2) to (8) of this section shall have effect where work in any factory 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.

(2) The confined space shall, unless there is other adequate means of egress, be provided

Section 35 of the principal Ordinance amended.

Section 36 of the principal Ordinance amended.

Section 37 of the principal Ordinance amended.

Section 38 of the principal Ordinance repealed and replaced.

with a manhole, which may be rectangular, oval or circular in shape, and shall be 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.

(3) Subject to the provisions of subsection (4) of this section, no person shall enter or remain in the confined space for any purpose unless he is wearing a suitable breathing apparatus and has been authorised to enter by a person authorised by the Chief Inspector in that behalf, and, where practicable, he is wearing a belt with a rope securely attached and a person keeping watch outside and capable of pulling him out is holding the free end of the rope.

(4) Where the confined space has been certified by a person authorised by the Chief Inspector in that behalf as being, for a specified period, safe for entry without breathing apparatus and the period so specified has not expired, subsection (3) of this section shall not apply:

Provided that no person shall enter or remain in the confined space unless he has been warned when the specified period will expire.

(5) A confined space shall not be certified under subsection (4) of this section unless-

- (a) effective steps have been taken to prevent any ingress of dangerous fumes, and
- (b) any sludge or other deposit liable to give off dangerous fumes has been removed and the space contains no other material liable to give off dangerous fumes, and
- (c) the space has been adequately ventilated and tested for dangerous fumes and has a supply of air adequate for respiration,

but no account shall be taken for the purpose of paragraph (b) of this subsection of any deposit or other material liable to give off dangerous fumes in insignificant quantities only.

(6) There shall be provided and kept readily available a sufficient supply of breathing apparatus of a type approved by the Chief Inspector, of belts and ropes, and of suitable

reviving apparatus and oxygen, and the apparatus, belts and ropes shall be maintained and shall be thoroughly examined, at least once a month or at such other intervals as may be prescribed, by a competent person; and a report on every such examination, signed by the person making the examination and containing the prescribed particulars, shall be kept available for inspection.

(7) Of the total number of persons employed in any factory to which the provisions of this section apply, such proportion as may be specified at any time by the Chief Inspector shall be trained and practised in the use of the apparatus mentioned in subsection (6) of this section and in a method of restoring respiration.

(8) The Chief Inspector may by certificate grant, subject to any conditions specified in the certificate, exemption from compliance with any of the requirements of the foregoing provisions of this section in any case where he is satisfied that compliance with those requirements is unnecessary or impracticable.

(9) No person shall enter or remain in any confined space in which the proportion of oxygen in the air is liable to have been substantially reduced unless either-

- (a) he is wearing a suitable breathing apparatus; or
- (b) the space has been and remains adequately ventilated and a person, authorised by the Chief Inspector in that behalf, has tested and certified it as safe for entry without breathing apparatus.

(10) 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."

7. Section 39 of the principal Ordinance is hereby amended:-

- (a) by deleting in the second and third lines of subsection (1) thereof the words "into any work-room";
- (b) by deleting in the third line of subsection (1) thereof the words "or such" and substituting therefor the words "of such";
- (c) by deleting in the seventh line of subsection (1) thereof

the words "the dust," and substituting therefor the words "any dust that may escape in spite of the enclosure,".

8. Section 40 of the principal Ordinance is hereby amended by inserting immediately after the words "boiler inspector" in the second and third lines of subsection (7) thereof the words "immediately before their installation and use for the first time in a factory and thereafter".

Section 40 of the principal Ordinance amended.

9. Section 42 of the principal Ordinance is hereby amended by inserting immediately after the words "examined" in the second line of subsection (5) thereof the words "immediately before its installation and use for the first time in a factory and thereafter".

Section 42 of the principal Ordinance amended.

10. The principal Ordinance is hereby amended by inserting immediately after section 46 thereof the following new sections, to be numbered 46A, 46B and 46C respectively:-

New Sections 46A, 46B, 46C added to the principal Ordinance.

"Regulations for prevention of fire.

46A.—(1) The Administrator may make special regulations as to the measures to be taken to reduce the risk of fire breaking out in any factory or of any such fire or smoke therefrom spreading in any factory, and such regulations may, among other things, prescribe requirements as to the internal construction of a factory and the materials used in that construction.

(2) Special regulations made under this section may provide, as regards any of their provisions, that persons other than the occupier of the factory may be responsible for a contravention thereof instead of or as well as the occupier.

Application of this Part and section 87 to premises or workplaces which are not a factory.

46B. Notwithstanding anything in this Ordinance contained, the provisions of this Part of this Ordinance shall apply to any premises or workplace (irrespective of whether they are a factory or not) in which any prime mover, transmission machinery, or any other machinery or plant of any kind whatsoever, driven or intended to be driven by mechanical power, is installed or used, and in such a case the provisions of section 87 of the Ordinance (relating to the powers of Inspectors) shall apply thereto as if such premises were a factory.

Fees.

46C.—(1) There shall be paid in respect of the carrying out of any examination or inspection, the making of any report or the issue of any certificate under the provisions of this Part of this Ordinance, the prescribed fee therefor.

(2) Any such fee shall be paid in advance and, unless other provision is made in any of the foregoing sections of this Part of this Ordinance, it shall be paid by the occupier of the factory."

Section 58 of
the principal
Ordinance
amended.

11. Section 58 of the principal Ordinance is hereby amended by inserting immediately after the words "are employed" in the first line of subsection (1) thereof the words "in any loading, unloading or transport operations or".

Section 86 of
the principal
Ordinance
repealed and
replaced.

12. The principal Ordinance is hereby amended by repealing section 86 thereof and substituting therefor the following new section:-

"Administration
of the Ordinance
and appointment
of Inspectors.

86.—(1) The Chief Officer shall be responsible for the administration of this Ordinance.

(2) The Administrator may appoint such inspectors, under whatever title he may from time to time determine, and such other officers as he thinks necessary for the carrying into force of the provisions of this Ordinance and may appoint a Chief Inspector, who may regulate the cases and manner in which the Inspectors, or any of them, are to carry out and perform the powers and duties of inspection under this Ordinance and may remove such Inspectors and other officers:

Provided that the Chief Officer may authorise any qualified person to perform such duties and exercise such powers as may be performed or exercised by an Inspector under the provisions of this Ordinance, as may be specified in the authorisation. Any such authorised person shall be under the supervision and subject to the directions of the Chief Inspector and shall receive as remuneration the fees to be prescribed.

(3) For the purposes of this subsection "qualified person" means a person who after examination by a Board set up by the Chief Officer for this purpose is found to possess the necessary knowledge and ability to carry out an inspection under this Ordinance.

(4) All Inspectors and other officers appointed under the provisions of subsection (2) of this section shall be provided with a written certificate of such appointment."

E. BROADBENT,

Chief Officer.

25th November, 1964.