

Zambia

## Factories Act, 1966

### Chapter 441

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## Zambia

# Factories Act, 1966

## Chapter 441

Commenced on 1 May 1967

*[This is the version of this document at 31 December 1996.]*

*[2 of 1966; 49 of 1968; Acts 20 of 1974; 24 of 1975; 13 of 1994]*

**An Act to make further and better provision for the regulation of the conditions of employment in factories and other places as regards the safety, health and welfare of persons employed therein; to provide for the safety, examination and inspection of certain plant and machinery; and to provide for purposes incidental to or connected with the matters aforesaid.**

### Part I – Preliminary

#### 1. Short title

This Act may be cited as the Factories Act.

#### 2. Definition of "factory"

- (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 or assembling of any article or of part of any article;
  - (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 persons employed therein has the right of access or control.
- (2) Whether or not such premises are factories by virtue of subsection (1), the expression "factory" also includes the following premises in which persons are employed in manual labour, that is to say:
  - (a) 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;
  - (b) 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;
  - (c) any laundry carried on as ancillary to another business, or incidentally to the purposes of any public institution;
  - (d) any premises in which the construction, reconstruction or repair of locomotives, vehicles or other plant for use for transport purposes is carried on as ancillary to a transport undertaking or other industrial or commercial undertaking;
  - (e) any premises in which printing by letterpress, lithography, photogravure, or other similar process, or bookbinding is carried on by way of trade or for purposes of gain or incidentally to another business so carried on;

- (f) 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;
  - (g) any premises in which persons are regularly employed in the generating, transforming or controlling of electrical energy for supply by way of trade or for supply for the purposes of any industrial or commercial undertaking;
  - (h) any premises in which mechanical power is used for the purposes of or in connection with a public water supply;
  - (i) any sewage works in which mechanical power is used and any pumping station used in connection with any sewage works; and
  - (j) any premises in which the refrigeration of any article is carried on by way of trade or for purposes of gain, except where such refrigeration is incidental to the conduct of a business engaged mainly in the sale of goods by retail.
- (3) Any line or siding, not being part of a railway, which is used in connection with and for the purposes of a factory, shall be deemed to be part of the factory; and if any such line or siding is used in connection with more than one factory belonging to different occupiers, the line or siding shall be deemed to be a separate factory.
- (4) A part of a factory may, with the approval in writing of the Commissioner, be taken to be a separate factory and two or more factories may, with the like approval, be taken to be a single factory.
- (5) 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 such 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 Act, and, in the case of any such workplace not being a tenement factory or part of a tenement factory, the provisions of this Act 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.
- (6) 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 Act, but shall, if otherwise it would be a factory, be deemed to be a separate factory.
- (7) Premises shall not be excluded from the definition of a factory by reason only that they are open air premises.
- (8) Any premises belonging to or in occupation of the Republic or any local or other public authority shall not be deemed not to be a factory, and building operations or works of engineering construction undertaken by or on behalf of the Republic or any such authority shall not be excluded from the operation of this Act, by reason only that the work carried on thereat is not carried on by way of trade or for purposes of gain.

### 3. Interpretation

- (1) In this Act, unless the context otherwise requires—
- "**article**" includes any solid, liquid or gas, or any combination thereof;
- "**bodily injury**" includes injury to health;
- "**boiler book**" means a book kept in accordance with the provisions of subsection (11) of section fifty-five;
- "**building operation**" means the construction, structural alteration, repair or maintenance of a building (including repainting, redecoration and external cleaning of the structure), the demolition of a building, and the preparation for and laying the foundation of an intended building, but does



not include any operation which is a work of engineering construction within the meaning of this Act;

"**child**" means a person under the apparent age of fourteen years;

"**class or description**", in relation to factories, includes a group of factories described by reference to locality;

"**Commissioner**" means the Labour Commissioner;

"**competent person**", in relation to any particular duty or function, means a person who has had adequate training and experience to enable him to perform that duty or function;

"**driving-belt**" includes any driving strap or rope;

"**electricity substation**" means any premises, or part thereof, in which no person is regularly employed and in which electrical energy is transformed or converted to or from pressure above medium pressure if such premises or part thereof are large enough for a person to enter after the apparatus is in position;

"**fume**" includes gas and vapour;

"**general register**" means a register kept under the provisions of section eighty-six;

"**harbour**" includes any harbour properly so called, whether natural or artificial, and any estuary, navigable river, pier, jetty or other works in or at which craft can obtain shelter, or ship or unship goods or passengers;

"**inspector**" means the Chief Inspector of Factories or any other inspector appointed under the provisions of section six;

"**machinery**" includes any driving-belt;

"**magistrate**" means a magistrate empowered under the Subordinate Courts Act to hold a subordinate court of the first or second class;

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

"**medium pressure**" means a difference of electrical potential between any two conductors, or between a conductor and earth, in a system normally exceeding 250 volts but not exceeding 650 volts at the point where the electrical energy is used;

"**occupier**" means the person or persons in actual occupation of a factory, whether the owner or not;

"**owner**" means the person for the time being receiving the rents or profits of the premises in connection with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if the premises were let;

"**plant**" includes any equipment, gear, machinery, apparatus or appliance, or any part thereof;

"**prime mover**" means every engine, motor or other appliance which provides mechanical energy derived from steam, water wind, electricity, the

*[Please note: missing content as in original.]*

- (2) A woman, child or young person who works in a factory, whether for wages or otherwise, either in a process or in cleaning any part of the factory used for any process, or in cleaning or oiling any part of the machinery or plant, or in any other kind of work whatsoever incidental to or connected with the process or connected with the article made or otherwise the subject of the process therein, shall, save as is otherwise provided by this Act, be deemed to be employed therein for the purposes of this Act or of any proceedings thereunder.

- (3) A young person who works in a factory, whether for wages or otherwise, in collecting, carrying or delivering goods, carrying messages or running errands shall be deemed to be employed in such factory for the purposes of this Act or of any proceedings thereunder.
- (4) For the purposes of this Act, an apprentice shall be deemed to be a person employed.

*[As amended by Act [No. 24 of 1975](#)]*

*[Cap. 28]*

#### **4. Application of Act**

- (1) Save as in this Act otherwise expressly provided, the provisions of this Act shall apply only to factories as defined by this Act but shall, except where the contrary intention appears, apply to all such factories.
- (2) The provisions of this Act shall apply to any factories belonging to or in occupation of the Republic and to building operations and works of engineering construction undertaken by or on behalf of the Republic.

### **Part II – Administration**

#### **5. Delegation of powers of Commissioner**

The Commissioner may delegate to any other public officer in writing and subject to such restrictions, reservations, exceptions and conditions as he may think fit, all or any of the powers conferred upon him by or under this Act.

#### **6. Appointment of inspectors**

- (1) There shall be appointed as public officers a Chief Inspector of Factories and such other inspectors as shall be necessary for the proper administration of this Act.
- (2) Every inspector shall be furnished with a certificate of appointment in the prescribed form, and when visiting a factory or place to which any of the provisions of this Act apply shall, if required, produce such certificate to the occupier of or other person holding a responsible position of management at the factory or place.

*[As amended by Act [No. 24 of 1975](#)]*

#### **7. Powers of inspectors**

An inspector shall, for the purposes of this Act, have power—

- (a) to enter, inspect and examine, by day and night, any factory, and every part thereof, when he has reasonable cause to believe that any person is employed therein, and to enter, inspect and examine by day any place which he has reasonable cause to believe to be a factory and any part of any building of which a factory forms part and in which he has reasonable cause to believe that explosive or highly inflammable materials are stored or used;
- (b) to take with him a police officer if he has reasonable cause to apprehend any serious obstruction in the execution of his duty;
- (c) to require the production of the registers, certificates, notices and documents required under the provisions of this Act to be kept and to inspect, examine and copy any of them;
- (d) to make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act are complied with in respect of any factory and of any persons employed therein;

- (e) to require any person whom he finds in any factory to give such information as it is in his power to give as to who is the occupier of the factory;
- (f) to examine, either alone or in the presence of any other person, as he thinks fit, with respect to matters under this Act, the occupier, or any person whom he finds in a factory or whom he has reasonable cause to believe to be or to have been within the preceding three months employed in a factory, and to require every such person to be so examined and to sign a declaration of the truth of the matters respecting which he has been so examined:  

Provided that no person shall be required under this paragraph to answer any question or to give any evidence tending to incriminate himself;
- (g) in the case of an inspector who is a medical practitioner, to carry out such medical examinations as may be necessary for the purposes of his duties under this Act; and
- (h) to exercise such other powers as may be necessary for carrying this Act into effect.

## 8. Duty to assist inspector

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

## 9. Obstructing inspector

- (1) No person shall obstruct an inspector in the execution of his duties under this Act.
- (2) If any person wilfully delays an inspector in the exercise of any power under this Part, or fails to comply with the requisition of an inspector in pursuance of this Part, or to produce any register, certificate, notice or document which he is required by or in pursuance of this Act to produce, or wilfully withholds any information as to who is the occupier of any factory or conceals or prevents, or attempts to conceal or prevent, a person from appearing before or being examined by an inspector, that person shall be deemed to obstruct an inspector in the execution of his duties under this Act.
- (3) Any person who obstructs an inspector shall be guilty of an offence and liable on conviction to a fine not exceeding three hundred penalty units or to imprisonment for a period not exceeding one month.

*[As amended by Act [No. 13 of 1994](#)]*

## 10. Inspectors not to disclose information or source of complaints

- (1) No inspector shall, save in the performance of his duty, publish or disclose to any person the details of any manufacturing, commercial or working process which may come to his knowledge in the course of his duties.
- (2) Unless authorised by the complainant, an inspector shall not divulge to any person the source of any complaint bringing to his notice any defect or breach of the provisions of this Act and shall give no intimation to any owner, occupier or employer or a representative of such owner, occupier or employer that a visit of inspection was made in consequence of the receipt of such a complaint.
- (3) Any inspector who contravenes the provisions of subsection (1) or (2) shall be guilty of an offence.

### Part III – Registration of factories

#### 11. Register of factories

The Commissioner shall maintain a register of factories, in which he shall cause to be entered such particulars in relation to every factory as may be prescribed.

#### 12. Registration of existing factories

- (1) Every person who on the commencement of this Act occupies a factory shall within three months thereafter apply to the Commissioner, by written notice containing the particulars prescribed under section eleven, for the registration of the factory.
- (2) Upon receipt of an application under subsection (1), the Commissioner shall cause the factory to be registered and shall issue to the occupier thereof a certificate of registration

#### 13. Registration of new factories existing

- (1) No person shall occupy or use as a factory any premises which were not so occupied or used on the commencement of this Act and in respect of which a certificate of registration under this section has not been issued.
- (2) Upon written application supported by the particulars prescribed under section eleven being made to the Commissioner for the registration of any premises to which subsection (1) refers, the Commissioner shall—
  - (a) if he is satisfied that the premises comply with the provisions of this Act or any orders or regulations made thereunder, cause the premises to be registered and a certificate of registration to be issued; or
  - (b) if he is not so satisfied, refuse to register the premises and shall state in writing the grounds for such refusal.

#### 14. Notification of change in registered particulars

The occupier of any factory registered under this Part shall forthwith notify the Commissioner in writing of any material change in the particulars last notified in relation to that factory under section twelve or thirteen.

#### 15. Drawings of factories

- (1) No building shall be erected or converted for use as a factory and no extension shall be added to any existing factory save in accordance with drawings showing plans and sections of the proposed erection, conversion or addition which have been approved by the Commissioner under subsection (2).
- (2) Upon written application supported by such particulars as may be prescribed being made to the Commissioner for the approval of any drawings described in subsection (1), the Commissioner shall—
  - (a) if he is satisfied the drawings provide for suitable premises for use as a factory of the type proposed, issue a certificate of approval of such drawings; or
  - (b) if he is not so satisfied, refuse to issue any certificate of approval of the drawings and shall state in writing the grounds for such refusal.

## Part IV – Appeals

### 16. Establishment of Appeals Board

- (1) For the purpose of hearing and determining appeals in accordance with the provisions of this Part or any proceedings incidental thereto or connected therewith, there is hereby established an Appeals Board (hereinafter in this Part called "the Board").
- (2) The chairman and members of the Board shall be appointed from time to time by the Judicial Service Commission for such period as the said Commission may think fit.

### 17. Appeals to Board

- (1) Any person aggrieved by a decision of the Commissioner under the provisions of section thirteen or fifteen may appeal to the Board therefrom.
- (2) Every notice of appeal shall be in writing stating the grounds of the appeal and shall be lodged with the chairman of the Board who, on receipt of such notice, shall appoint a day and place for the hearing of the appeal and shall notify the parties accordingly.
- (3) The procedure for the institution and hearing of appeals to the Board shall be in accordance with the provisions of this Part and any rules which may be made by the Chief Justice, by statutory instrument, under this section for the purpose of regulating such procedure.
- (4) On the hearing and determination of any appeal under this Part—
  - (a) the Commissioner shall be a party to the proceedings;
  - (b) any party to the proceedings may appear in person or by counsel or any agent thereunto authorised by him in writing.

### 18. Powers of Board

- (1) The Board may confirm, vary or reverse the decision of the Commissioner with which the appeal is concerned.
- (2) The Board shall not make any order as to costs unless it considers the decision of the Commissioner to have been unreasonable or the grounds of appeal to have been frivolous.
- (3) Any decision by the Board under this Part shall be final and shall not be challenged in any proceedings whatsoever.

## Part V – Health: General provisions

### 19. Cleanliness

- (1) Every factory shall be kept in a clean state, and free from effluvia arising from any drain, sanitary convenience or nuisance.
- (2) Without prejudice to the generality of subsection (1)—
  - (a) accumulations of dirt and refuse shall be removed daily from the floors and benches of workrooms, and from the staircases and passages;
  - (b) the floor of every workroom shall be cleaned at least once in every week by washing or, if it is effective and suitable, by sweeping or other method;

- (c) where any process is carried on in circumstances which render the floor liable to be wet to such an extent that the fluid is capable of being removed by drainage, effective means shall be provided and maintained for draining off the fluid;
- (d) all inside walls and partitions, and all ceilings or tops of rooms, and all walls, sides and tops of passages and staircases shall-
  - (i) where they have a smooth impervious surface, at least once in every period of fourteen months be washed with hot water and soap or other suitable detergent or cleaned by other suitable method;
  - (ii) where they are kept painted in a prescribed manner or varnished, be repainted in a prescribed manner or revarnished at such intervals of not more than seven years as may be prescribed, and shall at least once in every period of fourteen months be washed with hot water and soap or other suitable detergent or cleaned by other suitable method;
  - (iii) in all other cases, be kept whitewashed or colourwashed and the whitewashing or colourwashing shall be repeated at least once in every period of fourteen months.
- (3) Where it appears to the Commissioner that in any factory or class or description of factory or parts thereof any of the foregoing provisions of this section are by reason of special circumstances inappropriate or unnecessary, he may, if he thinks fit, by order direct that those provisions shall not apply to that factory or to factories or parts of factories of that class or description, or shall apply as varied in the order.

## 20. Overcrowding

- (1) A factory shall not, while work is carried on, be so overcrowded as to cause risk of injury to the health of the persons employed therein.
- (2) Without prejudice to the generality of subsection (1), the number of persons employed at a time in any workroom shall not be such that the amount of cubic space allowed for each is less than twelve cubic metres.
- (3) In calculating for the purposes of this section the amount of cubic space in any room, no space more than four metres from the floor shall be taken into account and, where a room contains a gallery, the gallery shall be treated for the purposes of this section as if it were partitioned off from the remainder of the room and formed a separate room.
- (4) Every workroom shall not be less than three metres in height measured from the floor to the lowest point of the ceiling or, where there is no ceiling, to the lowest point of the roofing material.

*[As amended by No. 20 of 1974]*

## 21. General ventilation

Effective and suitable provision shall be made, by natural or artificial means, for securing and maintaining by the circulation of fresh air in each workroom the adequate ventilation of the room, and for rendering harmless, so far as practicable, all such fumes, dust and other impurities generated in the course of any process or work carried on in the factory as may be injurious to health.

## 22. Lighting

- (1) Effective provision shall be made for securing and maintaining sufficient and suitable lighting, whether natural or artificial, in every part of a factory in which persons are working or passing.
- (2) All glazed windows and skylights used for lighting of workrooms shall, so far as practicable, be kept clean on both the inner and outer surfaces and free from obstruction:

Provided that this subsection shall not affect the whitewashing or shading of windows and skylights for the purpose of mitigating glare or heat.

### **23. Sanitary conveniences**

Sufficient and suitable sanitary conveniences for the persons employed in the factory shall be provided, maintained and kept clean, and effective provision shall be made for lighting the conveniences and, where persons of both sexes are or are intended to be employed, the conveniences shall afford proper separate accommodation for each sex.

### **24. Enforcement of provisions of section 23 by local authority**

The provisions of section twenty-three shall, in such areas of Zambia as the Minister may by order direct, be enforced by such local authority as may be specified in such order.

### **25. Duty of inspector as to sanitary defects remediable by local authority**

Where an inspector finds any act or default in relation to any drain, sanitary convenience, water supply, nuisance or other matter in a factory which is liable to be dealt with by a local authority by reason of any order made under section twenty-four or under any written law relating to public health, he shall give notice thereof in writing to the local authority.

### **26. Medical supervision**

- (1) Where it appears to the Minister—
  - (a) that in any factory or class or description of factory—
    - (i) cases of illness have occurred which he has reason to believe may be due to the nature of a process or other conditions of work; or
    - (ii) by reason of changes in any process or in the substances used in any process, or by reason of the introduction of any new process or new substance for use in a process, there may be risk of injury to the health of persons employed in that process; or
    - (iii) young persons are or are about to be employed in work which may cause risk of injury to their health; or
  - (b) that there may be risk of injury to the health of persons employed in a factory—
    - (i) from any substance or material brought to the factory to be used or handled therein; or
    - (ii) from any change in the conditions of work or other conditions in the factory;

he may make regulations requiring such reasonable arrangements to be made for the medical supervision (not including medical treatment other than first-aid treatment and medical treatment of a preventive character) of the persons, or any class of the persons, employed at that factory or class or description of factory as may be specified in the regulations.
- (2) Where the Minister proposes to exercise his powers under this section in relation to a particular factory and for a limited period, he may exercise those powers by order instead of by regulations, and any such order shall, subject to subsection (3), cease to have effect at the expiration of such period as may be specified in the order.
- (3) The Minister may by subsequent order or orders extend the said period, but if the occupier of the factory by notice in writing to him objects to any such extension, the original order shall cease to have effect as from one month after the service of the notice, without prejudice to the making of regulations in relation to the factory.

## Part VI – Safety: General provisions

### 27. Prime movers

- (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), 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 any electric generator, motor and rotary converter, 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.

### 28. Transmission machinery

- (1) Every part of any 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) Every machine intended to be driven by mechanical power shall be provided with an efficient starting and stopping appliance, the control of which shall be in such a position as to be readily and conveniently operated by the person operating the machine.
- (4) 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.
- (5) Suitable striking gear or other efficient mechanical appliance 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.
- (6) The Commissioner may, subject to any conditions therein specified, issue a certificate of exemption from compliance with any of the requirements of subsections (2), (4) and (5) in any case where he is satisfied that compliance with the requirement is unnecessary or impracticable.

### 29. Other machinery

- (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.
- (2) Any part of a stock-bar which projects beyond the head-stock of a lathe shall be securely fenced unless it is in such a position as to be as safe to every person employed or working on the premises as it would be if securely fenced.
- (3) Where the Commissioner is satisfied that there is available and suitable for use in connection with machinery of any class any type or description of safety device, he may by order direct that that type or description of device shall be provided for use, either instead of or in addition to any fencing, in connection with such class of machinery as may be specified in the order.

### 30. Provisions as to unfenced machinery

- (1) Subject to the provisions of subsection (2), in determining, for the purposes of the foregoing provisions of this Part, 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 examination thereof or any lubrication or adjustment shown by such examination to be immediately necessary, if the examination, lubrication or adjustment can only be carried out while the part of machinery is in motion; and
  - (b) in the case of any part of transmission machinery used in any process with respect to which the Commissioner has certified in writing that owing to the continuous nature of such process the stopping of that part would seriously interfere with the carrying on of the process in such factory, no account shall be taken of any person carrying out, by such methods and in such circumstances and subject to such conditions as may be specified in the certificate, any lubrication or any mounting or shipping of belts.
- (2) Subsection (1) shall only apply where—
- (a) the examination, lubrication or other operation is carried out by a male person who—
    - (i) has attained the apparent age of eighteen years;
    - (ii) has been appointed by the occupier of the factory, by prescribed certificate attached to the general register, to carry out such examination, lubrication or other operation, and has been furnished by the occupier with a signed copy of such certificate;
    - (iii) has been sufficiently trained for the purposes of the work entailed by, and is acquainted with the dangers of moving machinery arising in connection with, such examination, lubrication or other operation; and
    - (iv) has been provided by the occupier with and is wearing a close-fitting single-piece garment in good repair, which is fastened by means having no exposed loose ends and has no external pockets other than a hip-pocket;
  - (b) another person, instructed as to the steps to be taken in case of emergency, is immediately available within sight or hearing of any person carrying out such examination, lubrication or other operation; and
  - (c) any ladder in use for the carrying out of such examination, lubrication or other operation is securely fixed or lashed or is firmly held by a person standing at the foot of the ladder.

### **31. Construction and maintenance of fencing**

All fencing and other safeguards provided in pursuance of the foregoing provisions of this Part 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 use, except when any such parts are necessarily exposed for examination and for any lubrication or adjustment shown by such examination to be immediately necessary and all conditions imposed by or under section thirty are complied with.

### **32. Construction and supply of machinery**

- (1) Every prime mover and other machine, being a machine intended to be driven by mechanical power, shall be so constructed that the following parts of such prime mover or machine are securely fenced or are in such a position or are of such construction as to be as safe as they would be if they were securely fenced:

All revolving shafts (including journal ends), flywheels, couplings, toothed gearing, friction gearing, belt and pulley drives, chain and sprocket drives, cams, crank arms and slide blocks and all projecting screws, bolts or keys on any moving part:

Provided that the foregoing requirements shall not apply to a pulley, coupling or other part of a prime mover or machine intended for connecting to the prime mover or machine means of transmitting motion from the prime mover or from or to the machine, as the case may be, other

than means of transmitting motion from the prime mover to the machine where the prime mover and machine are constructed as a combined unit appliance.

- (2) Every prime mover and other machine, being a machine intended to be driven by mechanical power, shall be so constructed that every lever, handle, switch or other device whose accidental movement or displacement is liable to cause danger, shall, where practicable (unless it is so placed or the appliance is so constructed as to prevent accidental movement or displacement) be provided with a suitable spring or other locking or shrouding arrangement to prevent the accidental movement or displacement.
- (3) Any person who, after the expiry of a period of two years from the commencement of this Act, sells or lets on hire, or as agent of the seller or hirer causes or procures to be sold or let on hire, for use in a factory in Zambia, any prime mover, or other machine intended to be driven by mechanical power, which does not comply with the requirements of subsections (1) and (2) shall be guilty of an offence and liable to a fine not exceeding one thousand five hundred penalty units.
- (4) Nothing in this section shall be deemed to relieve the occupier of a factory of any responsibility placed on him under this Act in relation to any machinery used in that factory.
- (5) The Minister may by regulations extend the provisions of subsection (3) to plant which does not comply with such requirements of this Act or of any regulations made thereunder as may be specified in the regulations, and any regulations made under this subsection may relate to plant in a specified process.
- (6) An offence under subsection (3) or (5) shall, where necessary for the purpose of conferring jurisdiction on any court to entertain proceedings for the offence, be deemed to have been committed in the place where the machine or, as the case may be, the plant, is for the time being.

*[As amended by Act [No. 13 of 1994](#)]*

### **33. Vessels containing dangerous substances**

- (1) Every fixed vessel, structure, sump or pit of which the edge is less than one metre above the highest ground or platform from which a person might fall into it shall, if it contains any scalding, corrosive or poisonous liquid, or any molten metal, either be securely covered or be securely fenced to at least one metre above that ground or platform, or where by reason of the nature of the work neither secure covering nor secure fencing to that height is practicable, all practicable steps shall be taken by covering, fencing or other means to prevent any person from falling into the vessel, structure, sump or pit.
- (2) Every such vessel, structure, sump or pit as is mentioned in subsection (1) shall be clearly indicated by a warning notice bearing in red letters in English and in at least one vernacular language commonly used by the employees in the factory, the word "DANGER".
- (3) Where any fixed vessel, structure, sump or pit contains any scalding, corrosive or poisonous liquid or any molten metal, but is not securely covered, no ladder, stair or gangway shall be placed above, across or inside it which is not—
  - (a) at least five hundred millimetres wide; and
  - (b) securely fenced on both sides to a height of at least one metre and securely fixed.
- (4) Where any vessels, structures, sumps or pits adjoin and one or more of them contains any scalding, corrosive or poisonous liquid or any molten metal, and the space between them, clear of any surrounding brick or other work, is less than five hundred millimetres in width or is not securely fenced on both sides to a height of at least one metre, secure barriers shall be so placed as to prevent passage between them.
- (5) For the purposes of this section, a ladder, stair or gangway shall not be deemed to be securely fenced unless it is provided with sheet fencing or with an upper and a lower rail and toe-boards, or, where appropriate, with suitable safety hoops or cages.

- (6) The Minister may by regulations extend any of the provisions of this section so as to make them applicable—
  - (a) to a vessel or structure which is not fixed; or
  - (b) to a vessel, structure, sump or pit containing a substance which is not a liquid; and, in relation to any substance which is not a liquid, the expression "scalding", in a provision extended under paragraph (b), shall be taken to mean "likely to cause burns"
- (7) The Minister may by order exempt from the requirements of this section any class of vessel, structure, sump or pit in the case of which he is satisfied that the requirements are unnecessary or inappropriate.

*[As amended by No. 20 of 1974]*

#### **34. Self-acting machines**

- (1) No traversing part of any self-acting machine and no material carried thereon shall, if the space over which it runs is a space over which any person is liable to pass, whether in the course of his employment or otherwise, be allowed on its outward or inward traverse to run within a distance of five hundred millimetres from any fixed structure not being part of the machine.
- (2) All practical steps shall be taken by instructions to the person in charge of the machine and otherwise to ensure that no person employed shall be in the space between any traversing part of a self-acting spinning mule and any fixed part of the machine towards which the traversing part moves on the inward run, except when the machine is stopped with the traversing part on the outward run.

*[As amended by No. 20 of 1974]*

#### **35. Training and supervision of inexperienced workers**

No person shall be employed at any machine or in any process, being a machine or process liable to cause bodily injury, unless he has been fully instructed as to the dangers likely to arise in connection therewith and the precautions to be observed, and-

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

#### **36. Floors, steps, stairs, passages and gangways**

- (1) All floors, steps, stairs, passages and gangways shall be of sound construction and properly maintained and shall, so far as is reasonably practicable, be kept free from any obstruction and from any substance likely to cause persons to slip.
- (2) For every staircase in a building or affording a means of exit from a building, a substantial hand-rail 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 of a staircase which, owing to the nature of its construction or the condition of the surface of the steps, or other special circumstances, is specially liable to cause accidents, such a hand-rail shall be provided and maintained on both sides.
- (3) Any open side of a staircase shall also be guarded by the provision and maintenance of a lower rail or other effective means.
- (4) All openings in floors shall be securely fenced, except in so far as the nature of the work renders such fencing impracticable.

- (5) All ladders shall be soundly constructed and properly maintained and shall, where liable to slip, be properly secured or fitted with effective devices to prevent skidding, or be firmly held by a person stationed at the foot of the ladder.

### **37. Safe means of access and safe place of employment**

- (1) There shall, so far as is reasonably practicable, be provided and maintained safe means of access to and egress from every place at which any person has at any time to work, and every such place shall, so far as is reasonably practicable, be made and kept safe for any person working there.
- (2) Sufficient clear and unobstructed space shall be maintained at every machine while in motion to enable work to be carried on without unnecessary risk to any person.
- (3) Where any person has to work at a place from which he will be liable to fall a distance exceeding two metres 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.

*[As amended by No. 20 of 1974]*

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

- (1) The provisions of subsections (2) to (7) shall have effect where work in any factory has to be done inside any chamber, tank, tank-wagon, vat, pit, pipe, flue, or other 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 be provided with adequate means of egress.
- (3) Subject to subsection (4), 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 responsible person, 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 responsible person as being, for a specified period, safe for entry without breathing apparatus and the period so specified has not expired, the aforementioned provisions of this section shall not apply, but no person shall enter or remain in the space unless he has been warned when that period will expire.
- (5) A confined space shall not be certified under subsection (4) unless—
  - (a) effective steps have been taken to prevent any ingress of dangerous fumes;
  - (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 purposes of paragraph (b) 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 suitable breathing apparatus, of belts and ropes, and of suitable reviving apparatus and oxygen, and the apparatus and belts and ropes shall be maintained and shall be thoroughly examined by a competent person at least once a month.
- (7) A sufficient number of persons employed shall be trained and practised in the use of the apparatus mentioned in subsection (6) and in a method of restoring respiration.
- (8) The Commissioner 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 responsible person 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.

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

- (1) Where, in connection with any grinding, sieving or other process giving rise to dust, there may escape dust of such 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 any dust that may escape in spite of the enclosure, 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, 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—
- (a) to any welding, brazing or soldering operation;
  - (b) to any cutting operation which involves the application of heat; or
  - (c) to 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;

until all practicable steps have been taken to remove the substance and any fumes arising from it, or to render them non-explosive or non-inflammable; and if any plant, tank or vessel has been subjected to any such operation, 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 Commissioner may by certificate grant, subject to any conditions specified in the certificate, exemption from compliance with any of the requirements of subsections (3) and (4) in any case where he is satisfied that compliance with the requirement is unnecessary or impracticable.

#### **40. Prevention and fighting of fire**

- (1) In every factory there shall be provided and maintained appropriate means for fighting fire, which shall be so placed as to be readily available for use, and persons trained in the correct use of such means shall be present during all working periods.
- (2) The Minister may by regulations prescribe for any class or description of factory or part thereof specified means for fighting fire, and any such regulations may provide for the testing or examination of the means so specified and for the recording of particulars of the tests or examinations and of any defects found and action taken to remedy the defects.
- (3) The Minister may make regulations requiring means to be provided in any class or description of factory for notifying the fire brigade in case of fire and requiring employed persons to be made familiar with their use.
- (4) Regulations made under this section may provide, as regards any of their provisions, that some other person or persons shall be responsible for a contravention thereof instead of or as well as the occupier.
- (5) Any requirement imposed by regulations made under subsection (2) may be so imposed either in substitution for or without prejudice to the general requirements of subsection (1).
- (6) The Minister may by order grant exemption from the requirements of subsection (1) and any such order may apply to any particular factory or part of a factory or any class or description of factory.
- (7) All stocks of highly inflammable substances shall be kept either in a fire-resisting store or in a safe place outside any occupied building:  
  
Provided that no such store as aforesaid shall be so situated as to endanger the means of escape from the factory or from any part thereof in the event of a fire occurring in the store.
- (8) No fire, flame, open light or other agency likely to ignite any volatile inflammable substance shall be permitted in any part of a factory in which such substance is used or is likely to be present.
- (9) No person shall be allowed to smoke in any part of a factory where any volatile inflammable substance is used, and a notice prohibiting smoking shall be posted in a conspicuous place in every such part of the premises.

#### **41. Means of escape and warning in case of fire**

- (1) Every factory shall be provided with adequate means of escape in case of fire for the persons employed therein, and all such means shall be properly maintained and kept free from obstruction.
- (2) The contents of any room in which persons are employed shall be so arranged or disposed that there is a free passage-way for all persons employed in the room to a means of escape in case of fire.
- (3) Where 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 a manner that they cannot be easily and immediately opened from the inside.
- (4) 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 commencement of this Act, 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.

- (5) In any factory constructed or converted for use as a factory before the commencement of this Act in which more than ten persons are employed in the same building above the ground floor, any door, which is not kept continuously open, at the foot of a staircase affording a means of exit from the building, shall, except in the case of sliding doors, be constructed to open outwards.
- (6) Doors giving access to stairways shall not open immediately on to a flight of stairs, but on to a landing of adequate width.
- (7) 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 adequate size.
- (8) Every hoistway or liftway inside a building constructed after the commencement of this Act shall be completely enclosed with fire-resisting materials, and all means of access to the hoist or lift shall be fitted with doors of fire-resisting materials:  
  
Provided that any such hoistway or liftway which is not provided with a vent at the top shall be enclosed at the top only by some material easily broken by fire.
- (9) The Commissioner may by certificate grant, subject to any conditions specified in the certificate, exemption from compliance with any of the requirements of subsection (8) in any case where he is satisfied that compliance with those requirements is inappropriate or undesirable.
- (10) Where in any factory more than twenty persons are employed in the same building or explosive or highly inflammable materials are stored or used in any building in which persons are employed, effective means, capable of being operated without exposing any person to undue risk, shall be provided and maintained for giving warning in case of fire, which shall be clearly audible throughout the building or, where the factory is part only of the building, in every part of the building which is used for the purposes of the factory.
- (11) The Minister may by regulations apply the provisions of subsection (10) to any class or description of factory.
- (12) The Minister may by order grant exemption from or modify the requirements of subsection (10) in any case where it appears to him that those requirements are unnecessary or, as the case may be, would, unless modified, be unreasonable; and any such order may apply to any particular factory or part of a factory or any class or description of factory.

#### **42. Testing and examination of fire warning**

- (1) There shall be tested and examined at least once in every period of three months and whenever an inspector so requires every means for giving warning in case of fire which is required to be provided by or under this Act.
- (2) The Minister may by regulations provide that, in relation to any class or description of appliance or in relation to any class or description of factory, subsection (1) shall have effect with the substitution for the period of three months of such period as may be specified in the regulations.
- (3) The Minister may by regulations prescribe the nature of the test or examination to be carried out in pursuance of this section.
- (4) There shall be entered in or attached to the general register the date of every test or examination carried out in pursuance of this section and particulars of any defect found and the date and particulars of any action taken to remedy any such defect.

#### **43. Fire drills**

- (1) Where in any factory more than twenty persons are employed in the same building above the first floor or more than six metres above the ground level, or explosive or highly inflammable materials are stored or used in any building where persons are employed, effective steps shall be taken to

ensure that all the persons employed are familiar with the means of escape in case of fire and their use and with the routine to be followed in case of fire.

- (2) The Minister may by regulations apply the provisions of subsection (1) to any class or description of factory.
- (3) The Minister may make regulations as to the steps to be taken for the purposes of subsection (1) in factories to which that subsection applies, or any class or description thereof.

*[As amended by No. 20 of 1974]*

#### **44. Regulations for means of escape**

The Minister may make regulations as to the means of escape in case of fire to be provided in factories or any class or description of factory.

#### **45. Regulations for fire prevention**

- (1) The Minister may make 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 the construction.
- (2) Regulations made under this section may provide, as regards any of their provisions, that some other person or persons shall be responsible for a contravention thereof instead of or as well as the occupier.

#### **46. Regulations for special safety arrangements for the prevention of accidents**

Where it appears to the Minister that, in view of the number and nature of accidents occurring in any factory or class or description of factory, special provision ought to be made at that factory or at factories of that class or description to secure the safety of persons employed therein, he may make regulations requiring the occupier to make such reasonable provision by arrangements for special supervision in regard to safety, investigation of the circumstances and causes of accidents, and otherwise as may be specified in the regulations.

### **Part VII – Safety: Lifting machinery**

#### **47. Hoists and lifts**

- (1) Every hoist and lift shall be of good mechanical construction, sound material and adequate strength, and consistent with a relevant standard specification, and shall, together with all gates, interlocking or other devices required by this section to be fitted, 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 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 suitable 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.



- (5) If, in the case of a hoist or lift constructed or reconstructed before the commencement of this Act, it is not reasonably practicable to fit it with such devices as are mentioned in subsection (4), it shall be sufficient if the gate-
  - (a) is provided with such arrangements as will secure the objects of that subsection so far as is reasonably practicable; and
  - (b) is kept closed and fastened except when the cage or platform is at rest at the landing.
- (6) Every hoist or lift and every such enclosure as is mentioned in subsection (3) shall be so constructed as to prevent any part of any person or any goods carried in the hoist or lift being trapped between any part of the hoist or lift and any fixed structure or between the counterbalance weight and any other moving part of the hoist or lift.
- (7) There shall be marked in a conspicuous place on every hoist or lift the maximum working load which it can safely carry and no load greater than the maximum working load shall be carried on any hoist or lift.

#### **48. Hoists and lifts used for carrying persons**

- (1) The following additional requirements shall apply to hoists and 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; and
  - (c) there shall be marked in a conspicuous place on every such hoist or lift the maximum number of persons which the hoist or lift is designed to carry.
- (2) In the case of a hoist or lift constructed or reconstructed before the commencement of this Act in connection with which it is not reasonably practicable to provide such devices as are mentioned in paragraph (b) of subsection (1), it shall be sufficient if-
  - (a) such arrangements are provided as will secure the objects of that paragraph so far as is reasonably practicable; and
  - (b) the gate is kept closed and fastened except where the cage is at rest or empty.
- (3) In the case of a hoist or lift used as mentioned in subsection (1) which was constructed after the commencement of this Act, 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.

#### **49. Teagle openings and similar doorways**

Every teagle opening or similar doorway used for hoisting or lowering goods, materials, or plant, 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, and such fencing shall be properly maintained and shall, except when the hoisting of goods, materials, or plant is being carried on at the opening or doorway, be kept in position.

## 50. Hoists and lifts: supplementary provisions and exceptions

- (1) For the purposes of sections forty-seven and forty-eight, 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.
- (2) Subsections (3) to (7) of section forty-seven and section forty-eight shall not apply in the case of a continuous hoist or lift, and in such a case subsection (2) of section forty-seven shall have effect as if for the reference to six months there were substituted a reference to twelve months.
- (3) Subsections (4) and (5) of section forty-seven and section forty-eight shall not apply in the case of a hoist or lift not connected with mechanical power; and in such a case—
  - (a) subsection (2) of section forty-seven shall have effect as if for the reference to six months there were substituted a reference to twelve months; and
  - (b) any gates to be fitted under subsection (3) of section forty-seven shall be kept closed and fastened except when the cage or platform is at rest at the landing.
- (4) If it is shown to the satisfaction of the Commissioner that it would be unreasonable in the special circumstances of the case to enforce any requirement of this section or of section forty-seven, forty-eight or forty-nine in respect of any particular hoist, lift, hoistway, liftway or teagle opening or similar doorway, he may by certificate grant exemption from compliance with such requirement.

## 51. Chains, ropes and lifting tackle

- (1) The following provisions shall be complied with as respects every chain, rope or lifting tackle used for the purpose of raising or lowering persons, goods, materials or plant:
  - (a) no chain, rope or lifting tackle shall be used unless it is of good construction, sound material, adequate strength, suitable quality and free from patent defect;
  - (b) a table showing the safe working loads of every kind and size of chain, rope or lifting tackle in use, and, in the case of a multiple sling, the safe working load at different angles of the legs, shall be prominently displayed on the premises, and no chain, rope or lifting tackle not shown in the table shall be used;
  - (c) no chain, rope or lifting tackle shall, save for the purpose of testing, be used for any load exceeding the safe working load;
  - (d) 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 Commissioner may by order direct;
  - (e) no chain, rope or lifting tackle, except a fibre rope or fibre rope sling, shall be taken into use in any factory for the first time in that factory unless it has been tested and thoroughly examined by a competent person and a certificate of the test and examination specifying the safe working load and signed by the person making the test and examination has been obtained and is kept available for inspection:

Provided that the provisions of this paragraph shall not apply to any chain, rope or lifting tackle in respect of which there has been obtained, and is kept available for inspection, a certificate of test and thorough examination issued by the manufacturer of the chain, rope or lifting tackle.

- (2) Paragraph (b) of subsection (1) shall not apply in relation to any lifting tackle if its safe working load or, in the case of a multiple sling, the safe working load at different angles of the legs is plainly marked on it.
- (3) An inspector may, in writing addressed to the occupier, direct that wrought iron chains or lifting tackle in use in any factory be annealed or otherwise treated by heat at such specified intervals as he considers necessary.

- (4) In this section, "lifting tackle" means chain slings, rope slings or similar gear, and rings, links, hooks, plate clamps, shackles, swivels or eye bolts.

## 52. Cranes and other lifting machines

- (1) All parts and working gear, whether fixed or movable, including the anchoring and fixing appliances, of every lifting machine shall be of good mechanical construction, sound material, adequate strength and free from patent defect, and shall be properly maintained.
- (2) All such parts and gear shall be thoroughly examined by a competent person at least once in every period of fourteen months.
- (3) All rails on which a travelling crane moves and every track on which the carriage of a transporter or runway moves shall be of proper size and adequate strength and have an even running surface; and any such rails or track shall be properly laid, adequately supported or suspended, and properly maintained.
- (4) There shall be plainly marked on every lifting machine the safe working load or loads thereof:
- Provided that, in the case of a jib crane so constructed that the safe working load thereof may be varied by the raising and 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.
- (5) No lifting machine shall, except for the purpose of a test, be loaded beyond the safe working load.
- (6) No lifting machine shall be taken into use in any factory for the first time in that factory unless it has been tested, and all such parts and working gear of the machine as are specified in subsection (1) have been thoroughly examined by a competent person, and a certificate of the test and examination specifying the safe working load or loads of the machine and signed by the person making the test and examination has been obtained and is kept available for inspection:
- Provided that the provisions of this subsection shall not apply to any lifting machine in respect of which there has been obtained, and is kept available for inspection, a certificate of test and thorough examination issued by the manufacturer of the machine.
- (7) If any person is employed or working on or near the wheel-track of an overhead travelling crane in any place where he would be liable to be struck by the crane, effective measures shall be taken to ensure that the crane does not approach within six metres of that place.
- (8) If any person is employed or working otherwise than mentioned in subsection (7) but in a place above floor level where he would be liable to be struck by an overhead travelling crane, or by any load carried by such a 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, the movements of the crane as to make a warning unnecessary.
- (9) In this section, "lifting machine" means a crane, crab, winch, teagle, pulley block, gin wheel, transporter or runway.

*[As amended by No. 20 of 1974]*

## 53. Register of chains, ropes and lifting tackle and lifting machines

A register, containing the prescribed particulars, shall be kept in respect of all chains, ropes or lifting tackle (except fibre rope slings) to which section fifty-one applies, and in respect of all lifting machines to which section fifty-two applies.

## Part VIII – Safety: Steam boilers, etc.

### 54. Steam boilers: attachments and construction

- (1) Subject to subsection (3), every steam boiler, whether separate or one of a range—
  - (a) shall have attached to it the devices mentioned in subsection (2);
  - (b) shall be provided with means for attaching a test pressure gauge;
  - (c) shall, unless the subject of a written exemption by an inspector, be provided with a suitable fusible plug or an efficient low-water alarm; and
  - (d) shall have at least one reliable feed apparatus capable of maintaining an ample supply of water to the boiler:  
Provided that—
    - (i) where the feed apparatus is an injector, a second means of feeding consisting of a power or hand-pump shall be fitted; and
    - (ii) for the purposes of this paragraph, two or more boilers combined for joint working shall be deemed to be one boiler.
- (2) The devices referred to in subsection (1) are—
  - (a) 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;
  - (b) a suitable stop-valve fixed directly to, or as close as practicable to, such boiler, and connecting the boiler to the steam pipe;
  - (c) 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 bars, and have marked on it in a distinctive colour the maximum permissible working pressure;
  - (d) at least one water gauge of transparent material or other type approved by the Commissioner to show the water level in the boiler, together, if the gauge is of the glass tubular type and the working pressure of the boiler normally exceeds 2,500 bars, with an efficient guard provided so as not to obstruct the reading of the gauge;
  - (e) where the boiler is one of two or more boilers, a plate bearing a distinctive number which shall be easily visible.
- (3) Paragraph (b) of subsection (2) shall not apply with respect to economisers, and paragraphs (c), (d) and (e) of that subsection and paragraphs (b) and (c) of subsection (1) shall not apply with respect to either economisers or superheaters.
- (4) For the purposes of the foregoing provisions of this section, a lever-valve shall not be deemed a suitable safety-valve unless the weight is secured on the lever in the correct position.
- (5) Every part of every steam boiler shall be of good construction, sound material and adequate strength, and free from patent defect and consistent with a relevant standard specification.

*[As amended by No. 20 of 1974]*

### 55. Steam boilers: maintenance, examination and use

- (1) Every steam boiler attendant shall be properly instructed as to his duties.
- (2) Every steam boiler and all its fittings and attachments shall be properly maintained.

- (3) Every steam boiler and all its fittings and attachments shall be thoroughly examined by an inspector or other person authorized by the Commissioner at intervals not exceeding eighteen months and also as soon as practicable after any extensive repairs.
- (4) The occupier of a factory shall notify an inspector in writing whenever—
  - (a) general retubing, renewal of furnaces or flues, affixing of new rivets, plates or patches, replacement of stays or gussets, the building up of wasted areas by any welding process or any other such major repairs are to be executed to a steam boiler;
  - (b) major repairs as described in paragraph (a) have been executed to a steam boiler;
  - (c) he ceases permanently to use a steam boiler;
  - (d) a steam boiler is to be removed from his factory for use elsewhere or is to be resited within the factory; and
  - (e) a steam boiler is damaged.
- (5) Any examination carried out in accordance with the requirements of subsection (3) shall include—
  - (a) an examination of the boiler when it is cold which shall not be carried out until the interior and exterior of the boiler have been prepared in such manner as the person who is to make the examination may require; and
  - (b) except in the case of an economiser or superheater, an examination when the boiler is under normal steam pressure which examination may, with the approval of the person carrying out the examination when cold, be carried out by some other person.
- (6) The examination under pressure in accordance with paragraph (b) of subsection (5) shall be made on the first occasion when steam is raised after the examination when cold, or as soon as possible thereafter, and the person making such examination shall ensure that the safety-valve is so adjusted as to prevent the boiler being worked at a pressure greater than the maximum permissible working pressure.
- (7) A report in the prescribed form of every examination made under the provisions of subsection (3) shall, as soon as practicable after the completion of the examination, be attached to or entered in the boiler book, and each such report shall be signed by the person making the examination.
- (8) 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 upon in accordance with the provisions of this section.
- (9) No new steam boiler shall be taken into use until an inspector has been supplied with—
  - (a) the manufacturer's complete specifications which shall include full details of the chemical composition and physical properties of the material of all rivets, plates, sections, tubes, bars and electrodes used for pressure parts;
  - (b) dimensioned drawings of the complete boiler, showing the thickness of plates, details of all rivetting, the thickness of plates and the position and extent of all welds; and
  - (c) the manufacturer's test certificate.
- (10) Where the report of any examination made under the provisions of this section specifies conditions for securing the safe working of a steam boiler, such boiler shall not be used except in accordance with those conditions.
- (11) In respect of every steam boiler in a factory, the occupier of such factory shall keep a boiler book in the prescribed form in which shall be entered—
  - (a) the dates on which such boiler is brought into and taken out of commission;
  - (b) the dates on which such boiler is cleaned, examined or tested; and

- (c) the dates and details of any alterations or repairs to such boiler.
- (12) This section shall not apply to any steam boiler which belongs to and is used by Zambia Railways or to the boiler of any ship.

#### **56. Steam boilers: restriction on entry**

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 such 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 such boiler has a blow-off pipe in common with one or more other steam boilers or 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.

#### **57. Steam receivers and steam containers**

- (1) Every steam receiver not so constructed as to withstand with safety the maximum permissible working pressure of the boiler with which it is connected or the maximum pressure which can be obtained in the pipe connecting the receiver with any other source of supply of steam shall be fitted with—
- (a) a suitable reducing valve or other suitable automatic appliance to prevent the safe working pressure being exceeded;
  - (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;
  - (c) a correct steam pressure gauge, which shall indicate the pressure of steam in the receiver in bars; 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.
- (2) The safety-valve and pressure gauge required by the provisions of subsection (1) shall be fitted either on the steam receiver or on the supply pipe between the receiver and the reducing valve or other appliance provided to prevent the safe working pressure being exceeded.
- (3) For the purposes of the provisions of subsection (1), except paragraph (e) thereof, 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 purpose of the said subsection except paragraphs (d) and (e) thereof, 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 provided to prevent the safe working pressure being exceeded is fitted on the said single pipe.

- (4) Every part of every steam receiver shall be of good construction, sound material, adequate strength and free from patent defect and consistent with a relevant standard specification.
- (5) Every steam receiver and its fittings shall be properly maintained and shall be thoroughly examined by an inspector or other person authorised by the Commissioner, so far as the construction of the receiver permits, at intervals not exceeding three years.

- (6) The examination specified in subsection (5) shall not be carried out until the interior and exterior of the steam receiver have been prepared in such manner as the person who is to make the examination may require.
- (7) A report in the prescribed form of the result of every examination made under the provisions of this section (including particulars of the safe working pressure) shall, as soon as practicable after the completion of the examination, be attached to or entered in the boiler book and each such report shall be signed by the person making the examination.
- (8) Every steam container shall be so maintained as to secure the outlet is at all times kept open and free from obstruction.

*[As amended by No. 20 of 1974]*

## 58. Air receivers

- (1) Every air receiver—
  - (a) shall have marked upon it so as to be plainly visible the safe working pressure;
  - (b) if it is connected with an air compressing plant, shall either be so constructed as to withstand with safety the maximum pressure that can be obtained from 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;
  - (c) shall 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;
  - (d) shall be fitted with a correct pressure gauge indicating the pressure in the receiver in bars;
  - (e) shall be fitted with a suitable appliance for draining the receiver;
  - (f) shall be provided with a suitable manhole, handhole, or other means which will allow the interior of the receiver to be thoroughly cleaned and inspected; and
  - (g) in any case where more than one receiver is in use in any factory, shall bear a distinguishing mark which shall be easily visible.
- (2) For the purposes of subsection (1) 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, 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 consistent with a relevant standard specification and be properly maintained.
- (4) Every air receiver shall be thoroughly examined at intervals not exceeding three years:

Provided that, 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.
- (5) The examination specified in subsection (4) shall not be carried out until the interior and exterior of the air receiver have been prepared in such manner as the person who is to make the examination may require.
- (6) Every examination and test mentioned in subsection (4) shall be carried out by an inspector or other person authorised by the Commissioner and a report in the prescribed form of the result of every such examination and test (including particulars of the safe working pressure) shall be

entered in or attached to the general register and the report shall be signed by the person making the examination or test.

*[As amended by No. 20 of 1974]*

#### **59. Notification before use of steam or air receivers**

No steam receiver or air receiver shall be taken into use until an inspector has been notified in writing of the make, type, year of manufacture and safe working pressure of such receiver, and, in the case of a steam receiver or air receiver which has previously been used, the full name and address of the former user.

#### **60. Notification of proposed modifications to pressure parts**

No modification to any pressure part of any steam boiler, steam receiver or air receiver not in accordance with instructions from the manufacturer shall be made until an inspector has been notified in writing of the proposed modification.

#### **61. Exceptions as to steam boilers, steam receivers and containers and air receivers**

The Commissioner may by certificate except from any of the provisions of this Part any class or type of steam boiler, steam receiver, steam container or air receiver to which he 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.

#### **62. Interpretation of terms in Part VIII**

In this Part, unless the context otherwise requires—

"**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;
- (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 an insecticide; 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 section fifty-eight shall not apply to any such vessel as is mentioned in paragraph (c) or (d) of this definition;

"**maximum permissible working pressure**" means, in the case of a new steam boiler, that specified in the certificate referred to in subsection (9) of section fifty-five and, in the case of a steam boiler which has been examined in accordance with the provisions of the said section, that specified in the report of the last examination;

"**safe working pressure**" means—

- (a) 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 section fifty-seven, that specified in the report of the last examination; and
- (b) in the case of a new air receiver, that specified by the maker or that determined by an inspector from the maker's test certificate and dimension sheet for that air receiver and, in the case of an air receiver which has been examined in accordance with the provisions of section fifty-eight, that specified in the report of the last examination;



"**steam boiler**" means any closed vessel in which for any purpose steam is generated under pressure greater than atmospheric pressure, and includes any economiser used to heat water fed to any such vessel, and any superheater used for heating steam

"**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 or at approximately that pressure for the purpose of heating, boiling, drying, evaporating or other similar purpose;

"**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.

## Part IX – Welfare: General provisions

### 63. Drinking water

- (1) There shall be provided and maintained at suitable points conveniently accessible to all persons employed an adequate supply of wholesome drinking water.
- (2) A supply of drinking water which is not laid on shall be contained in suitable vessels, and shall be renewed at least once in each working day, and all practicable steps shall be taken to preserve the water and vessels from contamination; and a drinking water supply, whether laid on or not, shall be clearly marked "DRINKING WATER" in English and in at least one vernacular language commonly used by the employees of the factory.

### 64. Washing facilities

- (1) There shall be provided and maintained for the use of employed persons adequate and suitable facilities for washing which shall include a supply of soap and suitable means of cleaning or drying; and the facilities shall be conveniently accessible and shall be kept in a clean and orderly condition.
- (2) The Commissioner may, by certificate, exempt from any of the requirements of subsection (1) any factory where, by reason of the difficulty of obtaining an adequate supply of water, or of the fact that accommodation is restricted and adequate and suitable washing facilities are otherwise conveniently available, or by reason of such other special circumstances as may be specified in the certificate, the application of the requirement would in his opinion be unreasonable.

### 65. Accommodation for clothing and change rooms

- (1) There shall be provided and maintained for the use of employed persons adequate and suitable accommodation for clothing not worn during working hours.
- (2) Where protective clothing is provided in pursuance of section seventy-one, a suitable place or places shall be provided for the storage of such protective clothing.
- (3) Adequate change rooms shall be provided and maintained for the use of employed persons in any factory in which the Minister considers such rooms necessary and by order so directs.

### 66. Facilities for sitting

- (1) Where any employed persons have in the course of their employment reasonable opportunities for sitting without detriment to their work, there shall be provided and maintained for their use suitable facilities for sitting sufficient to enable them to take advantage of those opportunities.
- (2) Where a substantial proportion of any work can properly be done sitting—
  - (a) there shall be provided and maintained for any employed person doing that work a seat of a design, construction and dimensions suitable for him and the work, together with a foot-rest

on which he can readily and comfortably support his feet if he cannot do so without a foot-rest; and

- (b) the arrangements shall be such that the seat is adequately and properly supported while in use for the purpose for which it is provided.
- (3) For the purposes of subsection (2), the dimensions of a seat which is adjustable shall be taken to be its dimensions as for the time being adjusted.

## 67. First-aid

- (1) There shall be provided and maintained so as to be readily accessible a first-aid box or cupboard containing such equipment as may be prescribed and, where more than one hundred persons are employed, an additional box or cupboard for every additional hundred persons.
- (2) For the purposes of subsection (1), the number of persons employed in a factory shall be taken to be the largest number of persons employed therein at any one time, and any fraction of one hundred shall be reckoned as one hundred.
- (3) Nothing except appliances or requisites for first-aid shall be kept in a first-aid box or cupboard.
- (4) Each first-aid box or cupboard shall be under the charge of a responsible person who shall, in the case of a factory where more than fifty persons or such similar number as may be prescribed, are employed, be trained in first-aid treatment, and the person in charge shall always be readily available during working hours.
- (5) A notice shall be affixed in every workroom stating the name of the person in charge of and the location of the first-aid box or cupboard provided in respect of that room.
- (6) For the purposes of subsection (4), a person shall not be deemed to be trained in first-aid treatment unless he satisfies the prescribed conditions.
- (7) Where a contravention of subsection (4) is committed through a failure to comply with so much thereof as requires the person in charge of a first-aid box or cupboard to be trained in first-aid treatment, it shall be a defence in any proceedings for the contravention to prove that the accused made all reasonable efforts to secure compliance but was unable to do so.
- (8) If an ambulance room or dispensary is provided at any factory and arrangements are made to ensure the immediate treatment there of all injuries occurring at the factory, the Commissioner may, by certificate, exempt the factory from the requirements of this section to such extent and subject to such conditions as he may specify in the certificate.
- (9) Every first-aid box or cupboard shall be plainly marked "FIRST-AID".

## 68. Welfare regulations

- (1) Where it appears to the Minister that, owing to the conditions and circumstances of employment or the nature of the processes carried on, provision requires to be made in relation to any of the matters to which this section applies for securing the welfare of the persons employed or any class of them, he may make regulations requiring such reasonable steps to be taken in connection therewith as may be specified in such regulations, either in addition to, or in substitution for, or by way of extension or variation of, any of the foregoing provisions of this Part.
- (2) This section applies to the matters dealt with in this Part; to arrangements for preparing or heating, and taking, meals; to the supply of protective clothing; to ambulance and first-aid arrangements; to the supply and use of seats in workrooms; to rest rooms; and to arrangements for the supervision of persons employed.
- (3) Regulations under this section may be made for a particular factory or for factories of any class or description and may impose duties on owners and employed persons as well as on occupiers.

- (4) The Minister may by regulations extend the matters to which this section applies so as to include other matters affecting the welfare of employed persons or any class of them.

## **Part X – Health, safety and welfare: Special provisions and regulations**

### **69. Removal of and prevention of inhalation of dust or fumes**

- (1) In every factory in which, in connection with any process carried on, there is given off any dust or fume or other impurity of such a character and to such extent as to be likely to be injurious or offensive to the persons employed, or any substantial quantity of dust of any kind, all practicable measures shall be taken to protect the persons employed against inhalation of the dust or fume or other impurity and to prevent its accumulating in any workroom, and in particular, where the nature of the process makes it practicable, exhaust appliances shall be provided and maintained, as near as possible to the point of origin of the dust or fume or other impurity, so as to prevent it entering the air of any workroom.
- (2) No stationary internal combustion engine shall be used in any room unless provision is made for conducting the exhaust gases from the engine into the open air.

### **70. Meals in certain dangerous trades**

Where in any room any poisonous or other injurious substance is so used as to give rise to any dust or fume, no person shall be permitted to partake of food or drink in that room.

### **71. Protective clothing, appliances and screening**

- (1) Where in any factory persons are subject to excessive exposure to any poisonous or other injurious or offensive substance or to any heat, cold or wet, suitable protective clothing and appliances shall be provided and maintained for the use of such persons.
- (2) Suitable goggles or effective screens shall be provided to protect the eyes of persons employed in the dry grinding of metals, in the welding or cutting of metals by means of an electrical, oxy-acetylene or similar process or in any other process likely to entail injury to the eyes.
- (3) Where in any factory electric arc welding is carried on, effective provision shall be made, by screening or otherwise, to prevent any person being exposed to the electric arc flash.

### **72. Lifting excessive weights**

- (1) A person shall not be employed to lift, carry or move any load so heavy as to be likely to cause injury to him.
- (2) The Minister may make regulations prescribing the maximum weights which may be lifted, carried or moved by persons employed in factories; and any such regulations may relate either to persons generally or to any class of persons or to persons employed in any class or description of factory or in any process.

### **73. Power of inspector to require certificate of fitness for work**

Where an inspector is of opinion that the employment of any young person in a factory or in any particular process or kind of work in a factory is prejudicial to the health of such young person or to the health of other persons, he may serve written notice on the occupier of the factory requiring that the employment of such young person in the factory or in the process or kind of work, as the case may be, be discontinued after such period as may be specified therein, not being less than one nor more than seven days after the serving of the notice, and if such occupier continues after the period specified in the notice to employ such young person he shall be guilty of an offence unless, after the service of the notice, such young person has

been examined by a medical practitioner and certified by such practitioner to be fit for employment in the factory or in the process or kind of work, as the case may be.

#### **74. Power to make regulations for safety and health**

- (1) Where the Minister is satisfied that any manufacture, plant, process or description of manual labour is of such a nature as to cause risk of bodily injury to the persons employed, or any class of those persons, he may, subject to the provisions of this Act, make such regulations as appear to him to be reasonably practicable and to meet the necessity of the case.
- (2) Regulations made under this section may, among other things—
  - (a) prohibit the employment of, or modify or limit the hours of employment of, all persons or any class of persons in connection with any manufacture, plant, process or description of manual labour;
  - (b) prohibit, limit or control the use of any material or process; or
  - (c) modify or extend with respect to any class or description of factory any provisions of Part V, VI, VII, VIII or this Part, being provisions imposing requirements as to safety and health; and may impose duties on owners, employed persons and other persons, as well as on occupiers.
- (3) Regulations made under this section may apply to all factories or to any specified class or description of factory and may provide for the exemption of any special class or description of factory either absolutely or subject to conditions.

#### **75. Power to take samples**

- (1) An inspector may, at any time after informing the occupier or, if the occupier is not readily available, a foreman or other responsible person in the factory, take for analysis sufficient samples of any material or substance used or intended to be used in a factory, being a material or substance in respect of which he suspects a contravention of any regulation made under section seventy-four, or which he thinks is likely or may prove on analysis to be likely to cause bodily injury to the persons employed.
- (2) The occupier or the foreman or other responsible person may, at the time when a sample is taken under this section, require the inspector to divide the sample into three parts, to mark and seal or fasten up each part in such manner as its nature permits, and—
  - (a) to deliver one part to the occupier or the foreman or other responsible person;
  - (b) to retain one part for future comparison;
  - (c) to submit one part to the analyst;and any analysis under this section shall, if so required, be carried out by a Government department.
- (3) A certificate purporting to be a certificate by a Government chemist as to the result of an analysis of a sample under this section shall in any proceedings under this Act be admissible as evidence of the matters stated therein, but either party may require the person by whom the analysis was made to be called as a witness.
- (4) It shall not be lawful for any person, except in so far as is necessary for the purposes of a prosecution for an offence under this Act, to publish or disclose to any person the results of an analysis made under this section, and if any person acts in contravention of this subsection he shall be guilty of an offence.

## Part XI – Notification and investigation of accidents, dangerous occurrences and industrial diseases

### 76. Notice of accidents

- (1) Where an accident in a factory—
  - (a) causes loss of life to a person employed in that factory; or
  - (b) disables any such person for more than three days from earning full wages for the work for which he was employed;

the occupier shall forthwith send written notice of the accident in the prescribed form to an inspector.

- (2) Where an accident causing disablement is notified under this section, and after notification thereof results in the death of the person disabled, the occupier of the factory shall as soon as the death comes to his knowledge send notice in writing of such death to an inspector.
- (3) Where any accident to which this section applies occurs to a person employed and the occupier of the factory is not the actual employer of the person killed or injured, the actual employer shall, if he fails to report the accident to the occupier immediately, be guilty of an offence.

### 77. Notification of dangerous occurrences

The provisions of section seventy-six requiring notice of an accident occurring in a factory to be given to an inspector shall extend and apply to the classes of occurrences specified in the First Schedule whether death or disablement is caused or not.

### 78. Industrial diseases

- (1) Written notice of every case of any disease specified in the Second Schedule occurring in a factory shall forthwith be sent by the occupier to an inspector in the prescribed form; and the provisions of this Act with respect to the notification of accidents shall apply to any such case in like manner as to any such accident as is mentioned in those provisions.
- (2) Every medical practitioner who attends any patient whom he believes to be suffering from any disease specified in the Second Schedule contracted as a result of his employment in a factory shall forthwith report the matter to an inspector, and shall be entitled in respect of every report sent in pursuance of this section to a fee of four fee units.
- (3) If, in contravention of the provisions of this section, any medical practitioner fails to send any report in accordance with the requirements thereof, he shall be guilty of an offence and liable on conviction to a fine not exceeding sixty penalty units.

*[As amended by Act [No. 13 of 1994](#)]*

### 79. Regulations extending scope of sections [76](#) and [78](#)

The Minister may by regulations—

- (a) apply the provisions of section seventy-six to any dangerous occurrence not specified in the First Schedule;
- (b) apply the provisions of section seventy-eight to any disease not specified in the Second Schedule.

## Part XII – Special application and extensions

### 80. Tenement factories

The Minister may by regulations allocate to the owners instead of the occupiers of tenement factories the responsibility for the contravention of any provision of this Act which but for this section would lie with such occupiers.

### 81. Parts of buildings let off as separate factories

- (1) Where a part of a building is let off as a separate factory but is not part of a tenement factory—
  - (a) the provisions of this Act specified in paragraphs (a) and (b) of subsection (2) shall apply to any part of the building used for the purposes of the factory but not comprised therein;
  - (b) subject to subsections (4) and (5), the owner of the building shall be responsible for any contravention of the provisions specified in the said paragraph (a) as so applying; and
  - (c) subject to subsection (5), the owner of the building shall be responsible, instead of the occupier, for any contravention as respects the factory, of the provisions specified in paragraph (c) of subsection (2).
- (2) The said provisions are—
  - (a) the provisions of Part V with respect to cleanliness and lighting, the provisions of Part VI with respect to prime movers, transmission machinery, the construction and maintenance of floors, passages and stairs, the keeping free from obstruction and slippery substances of floors, steps, stairs, passages and gangways, the provisions of Part VII with respect to hoists and lifts, chains, ropes and lifting tackle, cranes and other lifting machines and the provisions of Part VIII with respect to steam boilers, steam receivers and steam containers, and air receivers;
  - (b) the provisions of Part XIV with respect to the power of a subordinate court of the first or second class to make orders as to dangerous conditions and practices or as to safety of factory premises; and
  - (c) the provisions of Part V with respect to sanitary conveniences and the provisions of Part VII with respect to hoists and lifts.
- (3) For the purposes of the provisions applied by the foregoing provisions of this section, lifting machines attached to the outside of the building, and chains, ropes and lifting tackle used in connection with those machines, shall be treated as being in the building, but any lifting machine not used for the purposes of the factory, and any chains, ropes or lifting tackle not used in connection with a lifting machine so used, shall be disregarded.
- (4) For any contravention (whether as respects the factory or otherwise) of the provisions of Part VII or VIII with respect to chains, ropes and lifting tackle, cranes and other lifting machines, steam boilers, steam receivers and steam containers, and air receivers—
  - (a) the occupier of the factory shall be responsible if it is a contravention with respect to any plant belonging to or supplied by him; and
  - (b) the owner of the building shall be responsible in any other case;except that the owner shall not be responsible for a contravention of those provisions in so far as they relate to matters outside his control, and for any such contravention as respects the factory the occupier shall be responsible.

- (5) The owner shall be responsible by virtue of this section—
  - (a) for the cleanliness of sanitary conveniences only when used in common by several tenants; and
  - (b) for a contravention of the provisions relating to hoists and lifts only so far as those provisions relate to matters within his control.
- (6) Any reference in the provisions applied by the foregoing provisions of this section to the general register shall, in relation to matters in respect of which the owner of the building is responsible, be construed as a reference to a register to be kept by him, and subsection (3) of section ninety-eight shall apply in relation to that register as if the owner were the occupier of the factory.

## **82. Building operations and works of engineering construction**

- (1) Save as otherwise in this section provided, provisions of this Act specified in subsection (2) shall apply to building operations and works of engineering construction undertaken by way of trade or business, or for the purpose of any industrial or commercial undertaking, and to any line or siding which is used in connection therewith and for the purposes thereof and is not part of a railway or tramway.
- (2) The said provisions are—
  - (a) Part I;
  - (b) Part II;
  - (c) sections twenty-three, twenty-four and twenty-five;
  - (d) Part VIII;
  - (e) sections sixty-eight, seventy-four, seventy-five and seventy-seven;
  - (f) Part XIII; and
  - (g) Part XIV.
- (3) No order made under the provisions of this Act with respect to the power of a court to make orders as to dangerous conditions and practices and no special regulations made under Part X shall operate so as to interfere with the design of any works of engineering construction or with the adoption in the execution of those works of any method not inconsistent with the safety of the works or of the persons employed, prescribed in the specification or in any signed plans issued, or written directions given by the consulting engineer or the engineer in charge.
- (4) The provisions of this Act in their application to building operations or to works of engineering construction shall have effect as if any place where such works are carried on were a factory and any person undertaking any such operations or works to which this Act applies were the occupier of a factory, and with such other adaptations and modifications as may be made by regulations made by the Minister.
- (5) The provisions of this Act requiring general registers to be kept and copies of the prescribed abstract of this Act and of regulations or the prescribed abstract of such regulations to be kept posted up on the premises shall be deemed to be complied with as respects building operations and works of engineering construction if the general register is kept at an office of the person undertaking the operations or works and copies of the abstract of this Act and of the regulations or abstract thereof are kept posted up at each office, yard or shop of the person undertaking the operations or works at which persons employed by him on the operations or works attend, and in a position where they can easily be read by such persons.
- (6) The application of this Act to any building operations or works of engineering construction by virtue of the foregoing shall not be excluded by reason of the fact that they are undertaken on

premises to which the Act applies apart from those provisions; and nothing in this section shall be taken as prejudicing the application of this Act to these premises apart from this section.

### 83. Mines

- (1) The application of the provisions of this Act in relation to—
- (a) premises forming part of a mine;
  - (b) premises which, though not forming part of a mine, are occupied by the owner of a mine and used solely for the purpose of the provision or supply for or to a single mine or jointly for or to more than one mine, of services or electricity; and
  - (c) machinery or apparatus situated partly in a mine and partly in a factory;

shall be in accordance with the provisions of section one hundred and thirty-one of the Mines and Minerals Act.

*[Cap. 213]*

- (2) For the purposes of this section, "mine" shall have the meaning given to it in the Mines and Minerals Act.

### 84. Power to extend application of provisions of Act

The Minister may by statutory order, subject to such conditions as may be specified in the order, extend the application of all or any of the provisions of this Act to any of the following classes of premises, processes or operations, that is to say:

- (a) any premises (not being premises forming part of a factory) in which a hoist or lift is used;
- (b) any premises (not being premises forming part of a factory) in which a steam boiler is used;
- (c) warehouses not forming part of a factory;
- (d) docks, wharves and quays, including warehouses used in connection therewith;
- (e) any work carried out in a harbour or wet dock in constructing, reconstructing, repairing, refitting, painting, finishing or breaking up a ship or in scaling, scurfing or cleaning boilers (including combustion chambers and smoke boxes) in a ship, or in cleaning oil fuel tanks or bilges in a ship or any tank in a ship last used for oil of any description carried as cargo;
- (f) electricity substations.

## Part XIII – Miscellaneous

### 85. Posting of abstract of Act, regulations and notices

There shall be kept posted in a prominent position in every factory—

- (a) such abstract of this Act as may be prescribed;
- (b) a notice of the address of the nearest inspector and labour officer;
- (c) printed copies of any regulations which are for the time being in force in the factory, or such abstract of such regulations as may be prescribed; and
- (d) every other notice and document required by this Act to be posted in the factory.



## 86. General register

- (1) The occupier of every factory shall cause to be kept a register in the prescribed form called the general register, and there shall be entered in or attached to that register—
  - (a) the certificate of registration of the factory;
  - (b) every other certificate issued in respect of the factory by the Commissioner under the provisions of this Act;
  - (c) the prescribed particulars as to the washing, whitewashing or colourwashing, painting or varnishing, of the factory;
  - (d) the prescribed particulars as to every accident, case of industrial disease or dangerous occurrence occurring in the factory of which notice is required to be sent to an inspector;
  - (e) all reports and particulars required by any other provisions of this Act to be entered in or attached to the general register; and
  - (f) such other matters as may be prescribed.
- (2) The occupier of a factory shall send to an inspector such extracts from the general register as the inspector may from time to time require for the purpose of the execution of his duties under this Act.

## 87. Periodical return of persons employed

- (1) The occupier of every factory shall, if so required by the Commissioner by notice in writing or in the *Gazette*, send to the Commissioner, at such intervals and on or before such days as may be specified in the notice, a correct return—
  - (a) showing with respect to such day or days, or such period as may be specified in the notice, the number of persons employed in the factory; and
  - (b) giving such particulars as to such other matters as may be specified in the notice.
- (2) The Commissioner may, for the purpose of facilitating the rendering of returns by occupiers under the provisions of this section, arrange for the consolidation of these returns with any other returns required from occupiers under the provisions of any other law for the time being in force.

## 88. Preservation of registers and records

The general register and every other register or record kept in pursuance of this Act shall be preserved and shall be kept available for inspection by any inspector for at least two years after the date of the last entry in the register or record.

## 89. Duties of persons employed

- (1) No person employed in a factory shall wilfully interfere with or misuse any means, appliance, convenience or other thing provided in pursuance of this Act for securing the health, safety or welfare of the persons employed in such factory and, where any means or appliance for securing health or safety is provided for the use of any such person under this Act, he shall use that means or appliance.
- (2) No person employed in a factory shall wilfully and without reasonable cause do anything likely to endanger himself or any other person.

## 90. Prohibition of deductions from wages

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

## Part XIV – Offences, penalties and legal proceedings

### 91. Offences

- (1) In the event of any contravention in or in connection with or in relation to a factory of the provisions of this Act or of any order, regulation or lawful requirement made thereunder, the occupier, or (if the contravention is one in respect of which the owner is by or under this Act made responsible) the owner of the factory shall, subject to the following provisions of this Part, be guilty of an offence.
- (2) In the event of a contravention by an employed person of the provisions of section eighty-nine, that person shall be guilty of an offence and the owner or occupier, 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, unless it is proved that he failed to take all reasonable steps to prevent such contravention; but this subsection shall not be taken as affecting any liability of the occupier or owner in respect of the same matters by virtue of some provision other than the provisions aforesaid.
- (3) If the owner or the occupier of a factory avails himself of any special exception allowed by or under this Act and fails to comply with any of the conditions attached to the exception, he shall be deemed to have contravened the provisions of this Act.
- (4) If any persons are employed in a factory otherwise than in accordance with the provisions of this Act, there shall be deemed to be a separate contravention in respect of each person so employed.
- (5) Where an offence under this Act committed by a company, co-operative society or other body of persons is proved to have been committed with the consent or connivance of, or to have been facilitated by any neglect on the part of, any director, chairman, manager, secretary or other officer of the company, co-operative society or other body of persons, he, as well as the company, co-operative society or other body of persons, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

### 92. General penalty

- (1) Subject to the following provisions of this Part, any person guilty of an offence under this Act for which no express penalty is provided shall be liable—
  - (a) if he is an employed person, to a fine not exceeding three hundred penalty units;
  - (b) in any other case, to a fine not exceeding one thousand five hundred penalty units;and if the contravention in respect of which he was convicted is continued after the conviction, he shall (subject to the provisions of section ninety-nine) be guilty of a further offence and liable in respect thereof to a fine not exceeding three hundred penalty units for each day on which the contravention is so continued.
- (2) In relation to a contravention which was likely to cause the death of, or bodily injury to, any person, subsection (1) shall have effect as if for the references in paragraphs (a) and (b) to three hundred penalty units and one thousand five hundred penalty units there were respectively substituted references to one thousand two hundred penalty units and six thousand penalty units.

*[As amended by Act [No. 13 of 1994](#)]*

**93. Penalty on person actually committing an offence for which other person is primarily liable**

- (1) Where an act or default for which any person is liable under this Act is in fact the act or default of some other person, that other person shall be guilty of an offence and liable, subject to subsection (2), to the like fine as if he were the first-mentioned person.
- (2) The fine that may be imposed under subsection (1) on an employed person where the offence is one for which no express penalty is provided by this Act shall be that specified in section ninety-two in relation to employed persons, notwithstanding that the person primarily liable is not an employed person.

**94. Person primarily liable may exempt himself from liability on conviction of actual offender**

- (1) A person charged with an offence under the provisions of this Act shall be entitled, upon information duly laid by him and on giving to the prosecution not less than three days' notice in writing of his intention, to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the first-mentioned person proves to the satisfaction of the court—
  - (a) that he had used all due diligence to enforce the execution of this Act and of any relevant order or regulation made thereunder; and
  - (b) that the said other person had committed the offence in question without his consent, connivance or wilful default;that other person shall be convicted of such offence, and the first-mentioned person shall not be guilty of the offence, and the person so convicted shall, in the discretion of the court, be also liable to pay any costs incidental to the proceedings.
- (2) The prosecution shall have the right in any such case to cross-examine the first-mentioned person if he gives evidence and any witnesses called by him in support of his charge, and to call rebutting evidence.
- (3) When it is made to appear to the satisfaction of an inspector at the time of discovering an offence—
  - (a) that the person who would be proceeded against apart from this subsection has used all due diligence to enforce the execution of this Act;
  - (b) by what person the offence has been committed; and
  - (c) that such offence has been committed without the consent, connivance or wilful default of the first-mentioned person and in contravention of his orders; the inspector shall proceed against the person whom he believes to be the actual offender without first proceeding against the first-mentioned person.

**95. Proceedings against persons not primarily liable**

Where, under this Act, any person is substituted for another with respect to any provisions of this Act, any order, summons, notice or proceeding which for the purpose of any of those provisions is by or under this Act required or authorised to be served on or taken in relation to that other person, is hereby required or authorised, as the case may be, to be served on or taken in relation to the first-mentioned person.

**96. Owner of machine liable in certain cases instead of occupier**

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, such owner or hirer shall, so far as respects any offence under this Act committed in relation to a person who is employed in or about or in connection with that

machine or implement, and is in the employment or pay of such owner or hirer, be deemed to be the occupier of the factory.

#### **97. Prosecution of offences**

- (1) In any proceedings under this Act it shall be sufficient to allege in the charge or information that the factory is a factory within the meaning of this Act and to state the name of the ostensible occupier of such factory, or, where the occupier is a firm, the title of such firm.
- (2) Where, with respect to or in consequence of any accident in a factory, a report is made by any authority appointed to hold a formal investigation under any written law, or a coroner's inquest is held and it appears from such report or from the proceedings at such inquest that any of the provisions of this Act, or any orders or regulations made thereunder, were contravened at or before the time of the accident, proceedings against any person liable to be proceeded against in respect of such contravention may be commenced at any time within three months after the making of such report or the conclusion of such inquest.
- (3) Where any offence is committed under this Act by reason of a failure to make an examination, enter a report, or do any other thing, at or within a time specified by this Act or any order or regulation made thereunder, the offence shall be deemed to continue until the examination is made, or the report entered, or other thing done, as the case may be.

#### **98. Special provisions as to evidence**

- (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 Act to have been then employed in such factory:  

Provided that this subsection shall not apply to a factory in which the only persons employed are members of the same family dwelling there.
- (2) Where in any proceedings under this Act with respect to a young person it appears to the court that such young person is apparently of or below the age alleged by the prosecutor, it shall lie on the accused to prove that the young person is not of or below that age.
- (3) Where any entry is required by this Act or by any order or regulation made thereunder to be made in the general register or in any other register or record, the entry made by the occupier of a factory or on his behalf shall, as against him, be admissible as evidence of the facts therein stated, and the fact that any entry so required with respect to the observance of any provision of this Act or of any order or regulation made thereunder has not been made, shall be admissible as evidence that the provision has not been observed.

#### **99. Power of court to order cause of contravention to be remedied**

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

*[As amended by Act No. 13 of 1994]*

### 100. Service, etc., of documents

- (1) Any document or order required or authorised to be served under this Act may be served—
  - (a) on any person by delivering it to him or by leaving it at, or sending it by registered post to, his residence or place of business;
  - (b) on any firm by delivering it to any partner of the firm, or by leaving it at, or sending it by registered post to, the office of the firm;
  - (c) on the owner or occupier of a factory in any such manner as aforesaid, or by delivering it, or a true copy thereof, to the manager, foreman or other responsible person at the factory.
- (2) Any document mentioned in subsection (1) may be addressed, for the purpose of the service thereof on the occupier of a factory, to "the occupier" at the proper postal address of the factory, without further name or description.
- (3) The foregoing provisions of this section shall apply with the necessary modifications to documents required or authorised under this Act to be sent to any person, firm, owner or occupier, and to the sending, addressing and delivery of such documents.

### 101. Power of High Court to modify agreements

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 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 Act or or any order or regulations made thereunder, or in order to conform with any standard or requirement imposed by or under this Act, he may apply, in accordance with any rules of court which may be made by the High Court in that behalf, to the High Court, and that Court, after hearing the parties and any witnesses whom it may desire to call, may make such an order setting aside or modifying the terms of the agreement as the Court may consider just and equitable in the circumstances of the case.

### 102. Power of High Court to apportion expenses

Where, in any premises the whole or 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 Act or any order or regulation made thereunder, or in order to conform with any standard or requirement imposed by or under this Act, and the owner or occupier alleges that the whole or part of the expenses of the alterations ought to be borne by the occupier or owner, as the case may be, such owner or occupier may apply, in accordance with any rules of court which may be made by the High Court in that behalf, to the High Court, and that Court, after hearing the parties and any witnesses whom it may desire to call, may make such an order concerning the expenses or their apportionment as the Court considers just and equitable in the circumstances of the case, regard being had to the terms of any contract between the parties, or in the alternative the Court may, at the request of the owner or occupier, determine the lease.

### 103. Powers of Chief Inspector of Factories in relation to dangerous or defective factory

- (1) If in the opinion of the Chief Inspector of Factories any building, part of a building, machine, plant, matter, thing or practice in a factory is dangerous or defective so as to constitute a threat to health or safety of any person, the Chief Inspector of Factories—
  - (a) shall send a written notice to the owner or occupier of the factory requiring such building, part of the building, machine, plant, matter, thing or practice to be vacated, repaired, removed, remedied or stopped, as the case may be, either forthwith or within such time as may be specified in such notice;
  - (b) may order work in such factory to be suspended until the requirements of the notice given under paragraph (a) have been complied with to the satisfaction of the Chief Inspector of Factories.

- (2) Any owner or occupier of a factory who receives a notice or order given under subsection (1) shall comply therewith unless he intends to object thereto under subsection (3), in which case, he shall cease to use the building, part of the building, machine, plant, matter, thing or practice to which the notice or order relates and shall forthwith withdraw all persons from the danger or defect until the case has been determined by the Commissioner in accordance with subsection (3):

Provided that the Chief Inspector of Factories may, if he is of the opinion that there is no immediate danger to any person, grant written permission for work in such factory to continue for such period and upon such conditions as he may specify in such permission.

- (3) Any owner or occupier of a factory who feels aggrieved by a notice or order given under subsection (1) may, immediately upon receipt of such notice or order, submit his objection thereto in writing to the Commissioner who shall thereupon determine the case and communicate his decision in writing.
- (4) Any owner or occupier of a factory who is aggrieved by a decision of the Commissioner given under subsection (3) may, not later than seven days from the date of the receipt of such decision, request the Commissioner in writing to refer the case to the Minister and the Commissioner shall refer the case to the Minister whose decision thereon shall be given in writing and be final.
- (5) Pending a decision by the Minister under subsection (4), the owner or occupier of the factory concerned shall not use the factory or any part, machine or plant thereof or any matter, thing or practice therein unless the prior written permission of the Commissioner has been granted.
- (6) Any owner or occupier of a factory who, save as is provided in this section, fails to comply with any notice, order or decision given under this section shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding six thousand penalty units and, in the case of a continuing offence, to a further fine not exceeding one thousand five hundred penalty units for each day or part thereof during which such offence is continued.

*[As amended by Act [No. 24 of 1975](#) and Act [No. 13 of 1994](#)]*

## Part XV – General

### 104. Penalties

Any regulations made under the provisions of this Act may prescribe penalties for the contravention thereof not exceeding the penalties specified in section ninety-two.

### 105. Regulations

The Minister may, by statutory instrument, make regulations—

- (a) prescribing anything which under any provision of this Act is to be or may be prescribed; and
- (b) prescribing the fees to be paid and the method of payment of such fees in respect of any examination or test carried out under the provisions of this Act by any inspector.

## First Schedule (Section 77)

### Dangerous occurrences

The following occurrences, if accidental, are scheduled for the purposes of [section 77](#):

1. Bursting of a revolving vessel, wheel, grindstone or grinding wheel moved by mechanical power.
2. Collapse or failure of a crane, derrick, winch, hoist, or other appliance used in raising or lowering persons, goods, material, plant or any part thereof, or the overturning of a crane.

3. Explosion or fire due to ignition of dust, gas or vapour.
4. Electrical short circuit or failure of electrical machinery, attended by explosion or fire, or any damage to an underground electrical system caused by excavation or otherwise.
5. Explosion or fire affecting any room in which persons are employed and causing suspension of ordinary work.
6. Explosion of a receiver or container used for the storage at a pressure greater than atmospheric pressure of any gas or gases (including air) or any liquid or solid resulting from the compression of gas.
7. Explosion from a steam boiler or steam receiver.

## **Second Schedule (Section 78)**

### **Industrial diseases**

1. Lead poisoning
2. Phosphorus poisoning
3. Arsenical poisoning
4. Mercurial poisoning
5. Anthrax
6. Carbon bisulphide poisoning
7. Aniline poisoning
8. Chronic benzene poisoning
9. Manganese poisoning
10. Compressed air illness
11. Cyanide poisoning
12. Toxic jaundice: that is, jaundice due to tetrachlorethane or nitroor amido-derivatives of benzene or other poisonous substance.
13. Epitheliomatous-ulceration: that is, ulceration due to tar, pitch, bitumen, mineral oil or paraffin, or any compound, product or residue of any of these substances.
14. Chrome ulceration: that is, ulceration due to chronic acid or bichromate of potassium, sodium or ammonium or any preparation of any of these substances occurring in a factory.
15. Toxic anaemia: that is, pathological manifestations due to—
  - (a) radium or any other radio-active substances; or
  - (b) X-rays.