



ST. HELENA

CHAPTER 122

FACTORIES ORDINANCE and Subsidiary Legislation

Non-authoritative Consolidated Text

This is not an authoritative 'revised edition' for the purposes of the Revised Edition of the Laws Ordinance; it has been prepared under the supervision of the Attorney General for the purpose of enabling ready access to the current law, and specifically for the purpose of being made accessible via the internet.

Whilst it is intended that this version accurately reflects the current law, users should refer to the authoritative texts in case of doubt. Enquiries may be addressed to the Attorney General at Essex House, Jamestown [Telephone (+290) 2270; Fax (+290) 2454; email pa.lawofficers@legalandlands.gov.sh]¹

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¹ These contact details may change during 2011 or early in 2012. In case of difficulty, email shgwebsite@sainthelena.gov.sh or telephone (+290) 2470.

CHAPTER 122**FACTORIES ORDINANCE**

(Ordinance 7 of 1937 and Legal Notice 4 of 1967)

AN ORDINANCE RELATING TO THE SUPERVISION OF FACTORIES.

Commencement

[13 July 1937]

Short title

1. This Ordinance may be cited as the Factories Ordinance.

Interpretation

2. In this Ordinance, and in any rules made hereunder, unless the context otherwise requires—

“**Committee**” means a Council Committee²;

“**factory**” means any building or place in which steam or other mechanical power is used for the purpose of preparing or manufacturing goods or for packing or baling such goods, and includes any building within the precincts thereof;

“**owner**” includes lessee and manager and the attorney of any owner or lessee.

Powers of Council Committee

3. The supervision of all factories shall be exercised by the Committee, and it shall be lawful for the Committee, or any person acting under the direction of the Committee, to enter upon any land or premises for the purpose of carrying out any of the provisions of this Ordinance.

Inspector of Factories

4.³ The Governor may appoint an Inspector of Factories to exercise such duties or powers as may be prescribed by rules under this Ordinance.

Powers of Governor in Council to make rules

5. It shall be lawful for the Governor in Council to make rules—

- (a) prescribing generally the duties and powers of the Committee in regard to the measures to be taken—
 - (i) for the health and safety of persons employed in or within the precincts of any factory;
 - (ii) for the prevention of accidents in factories;
 - (iii) for the maintenance of satisfactory sanitary conditions;
 - (iv) for the maintenance of factories and buildings within the precincts of factories in a proper state of repair;

² *Social Services Committee — see LN 4/1967*

³ *Section 4 amended by L.N. 4/1967*

- (b) regulating the conditions under which buildings to be used as factories may be constructed or erected;
- (c) prescribing the duties and powers of the Inspector of Factories;
- (d) regulating the hours of employment in factories;
- (e) regulating the holidays to be allowed without deduction from wages; and
- (f) generally for ensuring the effective carrying out of the objects and purposes of this Ordinance.

Obstructing Committee or Inspector of Factories

6. Any person who shall obstruct or in any way whatsoever hinder the Committee or the Inspector of Factories in the execution of their duties or powers under this Ordinance or any rule made hereunder shall be guilty of an offence under this Ordinance.

Penalties

7. Any person who contravenes any of the provisions of this Ordinance or the rules thereunder or who without lawful excuse fails to comply with any order or direction given by the Committee or the Inspector under the powers conferred by this Ordinance or the rules shall be guilty of an offence and on conviction before the Magistrate's Court shall be liable to a fine not exceeding £50, and upon any conviction the Court may order the factory in which the offence took place to be closed until any lawful requirement of the Committee or the Inspector shall have been complied with.

FACTORIES RULES – SECTION 5

(Legal Notice 13 July 1937 and Legal Notice 4 of 1967)

Short title

1. These rules may be cited as the Factories Rules.

Interpretation

2. In these rules, unless the context otherwise requires—

“Committee” means a Council Committee;

“Inspector” means the Inspector of Factories appointed by the Governor.

Permit to erect factories

3. Every person intending to erect any factory or building appurtenant to a factory shall make application to the Committee in writing for a permit and shall furnish the Committee with—

- (a) particulars of the site upon which it is intended to erect a factory or building appurtenant thereto; and
- (b) plans and such other drawings or documents as the Committee may require.

Design and construction

4. All factories and buildings in the precincts thereof shall be designed and constructed with a view to securing safety and sanitary conditions to the satisfaction of the Committee, and save as hereinafter provided no person shall begin to erect any factory or building unless he shall have applied to and received from the Committee a permit to do so.

Disapproval of proposed erection

5. Should the Committee disapprove of the proposed building or any part or detail thereof it may at any time within thirty days of the receipt of the application intimate in writing to the person making the application its disapproval and reason thereof.

Time limit for disapproval

6. If within thirty days after receipt of an application the Committee does not intimate in writing to the person who made the application its disapproval of the proposed factory or building the applicant may proceed, after the expiry of the said thirty days, as if a permit had been granted by the Committee.

Ventilation

7. All factories shall be ventilated in such manner as to provide a sufficient supply of fresh air, and to carry off and render harmless, as far as practicable, all gases, fumes, dust, and other impurities arising in the course of the work carried on in the factory.

New machinery

8. When any new machinery is installed in a factory the Committee may require the same to be equipped with such fittings as may be deemed necessary for the protection of workers.

Inspection

9. The Inspector may inspect any building, machinery, boiler or belting used in any factory, and may at his discretion direct that such building, machinery, boiler or belting which in his opinion is dangerous to the safety of the workmen employed shall be repaired or securely protected to his satisfaction.

Danger to workmen

10. Wherever any factory or part thereof or anything affixed thereto appears to the Inspector to be in such a condition as to endanger or likely to become dangerous to workmen, the Inspector may call upon the owner to remedy such condition.

Repairs

11. All factories and premises appurtenant thereto shall be kept in a satisfactory state of repair, and the disposal of refuse and waste products shall be carried out to the satisfaction of the Inspector.

Powers of Inspector

12. The Inspector on instructions from the Committee may at any time give directions on the following matters—

- (a) the provision of suitable latrine accommodation;
- (b) the maintenance and repairs of buildings, the provision of ventilation, sanitary appliances, the disposal of waste products, and any other matter necessary to secure compliance with these rules.

Service of Committee's orders

13. For the purposes of these rules an order or direction of the Committee may be served on the owner or persons in charge of any factory by the Inspector.

FACTORIES (INSPECTION) RULES – SECTION 5

(Legal Notice 9 of 1968)

Short title

1. These rules may be cited as the Factories (Inspection) Rules.

Interpretation

2. In these rules, unless the context otherwise requires—

“**Inspector**” means an Inspector of Factories appointed under the provisions of the Ordinance;

“**the Ordinance**” means the Factories Ordinance and includes any rules made under the provisions thereof.

Powers of Inspector

3. An Inspector shall, for the purpose of the execution of the Ordinance, have power to do all or any one of the following things, that is to say—

- (a) to enter, inspect and examine, by day or by night, a 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 require the production of any certificates, notices and documents directed to be kept in pursuance of the Ordinance and to inspect, examine and copy any of them;
- (c) to make such examination and inquiry as may be necessary to ascertain whether the provisions of the Ordinance are complied with so far as respects a factory and any persons employed in a factory;
- (d) to require any person whom he finds in a factory to give such information as it is in his power to give as to who is the occupier of the factory;
- (e) to examine, either alone or in the presence of any other person, as he thinks fit, with respect to matters under the Ordinance, every person whom he finds in a factory or whom he has reasonable cause to believe to be or to have been within the preceding 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 is so examined; so, however, that no one shall be required under this provision to answer any question or to give any evidence tending to incriminate himself;
- (f) in the case of an Inspector who is a duly qualified medical practitioner, to carry out such medical examinations as may be necessary for the purposes of his duties under the Ordinance;
- (g) to exercise such other powers as may be necessary for carrying the Ordinance into effect.

Duty of occupier of factory to facilitate inspection

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

Power to take samples

5. An Inspector may at any time after informing the occupier or, if the occupier is not readily available a manager or other responsible person in a factory, take for analysis sufficient samples of any substance used or intended to be used in a factory, being a substance which he thinks may prove on analysis to be likely to cause bodily injury to the persons employed in such factory.