

Statutory Instrument No. 57 of 1974

FACTORIES ACT, 1973
(31 of 1973)

FACTORIES (EXTENSION OF APPLICATION OF PROVISIONS) (HOISTS AND LIFTS) ORDER, 1974

(Published on the 11th April, 1974)

ARRANGEMENT OF PARAGRAPHS

PARAGRAPH

1. Citation
2. Interpretation
3. Application of Act to non-factory premises
4. Application for registration of hoist or lift in non-factory premises
5. Certificate for hoist or lift in non-factory premises
6. Register for hoist or lift in non-factory premises

IN EXERCISE of the powers conferred by section 61 of the Factories Act, 1973, the Minister of Health, Labour and Home Affairs hereby makes the following Order -

Citation **1.** This Order may be cited as the Factories (Extension of Application of Provisions) (Hoists and Lifts) Order, 1974.

Inter-pretation **2.** In this Order, unless the context otherwise requires -
"non-factory premises" means premises to which this Order applies in accordance with paragraph 3 hereof;

"prescribed date" means the date of coming into force of this Order.

Application of Act to non-factory premises **3.** The application of the provisions of the Act specified in paragraph 1 of the First Schedule is hereby extended to any premises (not being premises forming part of a factory) in which a hoist or lift is used, subject to the conditions specified in paragraph 2 of the said Schedule:

Provided that this Order shall not apply to the following premises, that is to say -

- (i) any premises used as a private dwelling house only by one occupier;
- (ii) any premises referred to in section 5 (4) of the Act;
- (iii) any premises in which any building operation is being carried on, other than non-factory premises in which structural alteration, repair or maintenance as defined in section 6 (1) of the Act is being carried on;
- (iv) any premises in which a work of engineering construction is being carried on; or
- (v) any premises referred to in section 59 of the Act.

Application for registration of hoist or lift in non-factory premises **4.** (1) Every owner of non-factory premises shall apply as hereinafter in this paragraph provided for registration of each hoist or lift installed in the premises, by submitting to the chief inspector an application in the form set out in the Second Schedule.

(2) In the case of a hoist or lift installed and in use on the prescribed date, such application shall be submitted within one month thereof.

(3) In the case of a hoist or lift installed on or before the prescribed date but not yet in use on such date and in the case of a hoist or lift installed

after the prescribed date, such application shall be submitted before the hoist or lift is put into use.

5. (1) Upon receipt of such application, the chief inspector shall cause such hoist or lift to be registered and shall issue a certificate in the form set out in the Third Schedule.

Certificate for hoist or lift in non-factory premises

(2) The owner shall attach such certificate to the Register to be kept in accordance with the provisions of paragraph 6.

6. The owner shall provide and maintain in each lift or hoist on the premises a Register in the form set out in the Fourth Schedule.

Register for hoist or lift in non-factory premises

FIRST SCHEDULE

<i>Part</i>	<i>Section (s)</i>
I	3 and 4
II	6 (1) and (4)
V	30, 42 (6), 43 and 45
VII	55
IX	64
X	All
XI	70 (1), (2), (3) and (4), 72 to 82
XII	84

2. The application of the provisions of the Act specified in paragraph (1) hereof shall be subject to the following conditions, that is to say --

- (i) any reference in the Act to dates which are earlier than the date upon which the Order came into force shall be construed as references to such latter date;
- (ii) for the terms "building", "factory" and cognate terms there shall be substituted, as far as applicable, the term "non-factory premises";
- (iii) all rights, duties and liabilities of the occupier under the Act shall be deemed to be the rights, duties and liabilities of the owner and all references to the occupier only shall be deemed to be references to the owner:

Provided that references in sections 81 and 82 to the occupier shall be deemed to refer to any tenant or other occupant of the whole or any part of non-factory premises;

- (iv) in section 43 --
 - (a) for the words "ways, works, machinery or plant" occurring in subsections (1) (a) and (1) (i) thereof there shall be substituted the words "hoist or lift", and
 - (b) between the word "factory" and the word "in" occurring in subsection (1) (b) thereof there shall be added the words "in relation to a hoist or lift";
- (v) in section 45, for the words "under sections 43 and 44" there shall be substituted the words "section 43 hereof";

- (vi) in section 55, for the words “manufacture, machinery, plant, equipment, appliance, process or description of manual labour” there shall be substituted the words “hoist or lift”;
- (vii) in section 69 –
 - (a) for paragraph (a) of subsection (i) there shall be substituted the following paragraph –
 - “(a) to enter, inspect and examine, by day or by night, any non-factory premises and to enter, inspect and examine by day any premises which he has reasonable cause to believe to be non-factory premises;” ;
 - (b) subsection 4 thereof shall apply as if the subsection concluded with the word “ months” occurring in the fifth line thereof and the remainder of the said subsection were deleted; and
 - (c) the proviso to subsection 5 thereof shall not apply.

SECOND SCHEDULE

Particulars to be submitted by owner of a hoist or lift

1. Name of owner
 2. Address of owner
 3. Address at which hoist or lift is situated

 4. Type of premises in which hoist or lift is situated

 5. Description of hoist or lift –
 - (a) Whether goods only, passenger only, or goods and passengers

 - (b) The manufacturer
 - (c) The manufacturer’s number
 - (d) The date of installation
 - (e) How operated (mechanical power, hydraulic power or manually)

 - (f) the number of floors served
 - (g) The maximum working load which it can safely carry

- Date
- Signature of Owner*

THIRD SCHEDULE

Certificate of Registration of hoist or lift in use in non-factory premises

No. of Certificate

Date of Issue

I HEREBY CERTIFY that the hoist or lift specified below has been duly registered in pursuance of paragraph 5 of the Factories (Extension of Application of Provisions) (Hoists and lifts) Order, 1974.

Name of Owner

Address of Owner

Address and situation of hoist or lift

.....

Nature of work for which used

.....

.....

Chief Inspector of Factories

FOURTH SCHEDULE

Register (hoists and lifts) for use in non-factory premises

The Register must be kept available for inspection for two years after the date of the last entry therein

Instructions

1. The owner must enter all the particulars required in the Register, and attach to the Register the Certificate of Registration issued by the Chief Inspector of Factories.

2. Every hoist or lift must be examined at least once in every period of six months by a person approved by the Chief Inspector of Factories and a signed report of such inspection must be attached to the Register.

Name of owner (in the case of a firm which is not a registered company the names of each partner should be entered)

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Address of owner

Address at which hoist or lift is situated

.....

Type of premises in which hoist or lift is situated

.....

Nature of work for which hoist or lift is used

Reports and Certificates are required to be attached to the Register. Such documents should be gummed to the slips attached to the Register –

 Certificate of Registration of hoist or lift.

 No. of Certificate and date of issue.

 Other Certificates issued by the Chief Inspector of Factories, and date of the Certificates.

Date

Signature of Owner

MADE this sixth day of March, 1974

M.T.M. KGOFO,
Permanent Secretary,
Ministry of Health, Labour and Home Affairs.