

**The Offices, Shops and Railway Premises Act 1963 : a general guide /
[prepared by the Ministry of Labour and the Central Office of Information].**

Contributors

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THE
OFFICES, SHOPS
AND RAILWAY
PREMISES ACT
1963

A GENERAL GUIDE

Prepared by The Ministry of Labour
and The Central Office of Information 1964

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INTRODUCTION

This booklet is a general guide to the Offices, Shops and Railway Premises Act 1963, which makes provision for the safety, health and welfare of people employed in these premises. The guide is primarily addressed to owners and occupiers, but employees and members of the public may also find it useful. It does not purport to be comprehensive, nor has it any legal force. If you are in doubt as to the way in which the Act applies to you, the authority responsible for enforcing the Act in your premises will be glad to advise you. The various authorities are listed in Appendix 2 at the end of this guide.

Certain sections of the Act, including the requirement to register premises, will be brought into force on 1st May, 1964. Most of the main provisions will be brought into force on 1st August, 1964. These dates will be extensively publicised.

Inspectors who have been appointed to enforce the Act will come to your premises in due course, but it may be some time before one calls because there are so many places to visit. Do not, however, wait for an inspector to call but take the necessary steps, explained in this guide, to bring your premises into line with the requirements of the Act. You are legally responsible for complying with the requirements of the Act from the dates they come into force.

The sections of the Act to which various parts of this booklet relate are noted in the margin so that you can, if you wish, look up the legal provision on which the guidance is based.

This guide has been produced as early as possible so as to give owners and occupiers an opportunity of studying the requirements of the Act before it comes into force. For this reason it is not possible to deal with regulations and orders which will be made at a later date on a number of matters covered by the Act. As these are made, they will be explained in detail in supplements to the guide which you will be able to obtain free from H.M. Stationery Office by sending off the order form on page 47.

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2 Authorities responsible for enforcing different provisions of the Act in different classes of premises

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Part 1

PREMISES TO WHICH THE ACT APPLIES

SECTION 1*

1. Provided that people are employed in the premises, the Act applies generally to all offices and shops, and to most railway buildings near the permanent way. The definitions of these premises are widely drawn and Appendix 1 to this guide gives detailed guidance on them. Some general points are set out in the following paragraphs.

2. Offices and shops which are only part of a building used for other purposes, such as offices or shops in factories, hospitals, schools, clubs or places of public entertainment, are covered by the Act.

3. The Act does not apply only to rooms in which people work. It covers other parts of the premises occupied together with an office or shop for the purposes of the activities carried on there. Thus, stairs, passages, landings, storerooms, entrances, exits and yards may be covered. In certain buildings described in Part 4, the Act will also apply to the "common parts" such as halls, stairs and landings used by employees but which are not included within the office or shop occupier's lease.

4. The Act also applies to canteens which cater wholly or mainly for the people employed in particular office, shop or railway premises. The canteen workers are given the same protection under the Act as the office, shop or railway employees covered by it.

5. While the Act has thus an extensive coverage, certain kinds of premises which might otherwise be within its scope are excluded. These premises are:

SECTIONS 1(1)
and 90(1)

- (1) premises where only self-employed people work. To be within scope there must be at least one person employed in the premises under a contract of service or apprenticeship;

*These marginal notes indicate the relevant sections of the Act.

- such a contract may be oral or written, express or implied;
- SECTION 2(1) (2) businesses where the only people employed are any of the following immediate relatives of the employer: husband, wife, parent, grandparent, son, daughter, grandchild, brother, or sister. If any other person is employed, the business is covered by the Act (this exclusion does not apply if the employer is a limited company);
- SECTION 2(2) (3) outworkers' dwellings;
- SECTION 3 (4) premises where the sum of hours worked by all employees is normally not more than 21 each week. For example, if you are self-employed and employ only a part-time cleaner, or an assistant on one or two days a week, your premises will not be covered by the Act unless the total of all the hours worked by your employees normally exceeds 21 each week;
- SECTIONS 83(6) and 84 (5) premises occupied *solely* by members of the armed forces or of the armed forces of certain other countries. But those parts of the premises in which civilians are employed will be within scope;
- SECTION 85(2) (6) premises used for selling fish wholesale in docks;
- SECTION 85(3) (7) parts of mines below ground;
- SECTION 1 (8) mobile offices and mobile shops, since these are not regarded as premises (but see the next paragraph for certain premises occupied for transitory purposes for short periods).
- SECTION 86 6. In effect the Act also excludes from its requirements premises used for a temporary purpose which is accomplished within a short period from the date of occupation. For "movable structures" such as most offices on building sites, portable exhibition stands, marquees, etc., the period permitted by this exclusion is six months. For premises other than "movable structures", the permitted period is six weeks. It will be a defence in any legal proceedings based on the Act to prove that the occupation of the premises did not last longer than these periods. If the occupation overruns the permitted period, the occupier (or owner in some circumstances) is liable not only for

subsequent offences under the Act but also for any failure to comply with it during that period.

7. If you consider that your premises are excluded from the Act for any of the reasons set out in paragraphs 5 or 6, it will be helpful if you can produce, where appropriate, documents or records in support.

8. If it is clear that the Act applies to your premises, turn to the succeeding parts of this guide for further information. If, however, you are still uncertain whether you are covered by the Act, consult Appendix 1, which may throw light on your problem. Should you remain in doubt, an officer of the appropriate enforcing authority (see Appendix 2) will be pleased to help you.

Part 2

WHAT YOU HAVE TO DO— GENERAL REQUIREMENTS

General

9. This part explains the general requirements of the Act which deals with matters affecting the safety, health and welfare of employees. Fire precautions are dealt with separately in Part 3.

SECTIONS 42,
43 and 63

10. It is your responsibility as occupier or owner to see that your premises conform to these requirements. Generally speaking, the occupier of premises is responsible for complying with the provisions of the Act, but some responsibilities are transferred to the owner in cases where the occupier's premises covered by the Act are leased and do not take up a whole building. This division of responsibilities is explained more fully in Part 4. In the various parts of this guide, it should be assumed that the occupier of premises is responsible for complying with the Act unless otherwise stated.

Registration of premises

SECTION 49

11. On or after 1st May, 1964, anyone intending to employ people in office, shop or railway premises will be required to send a notification in the prescribed form to the authority responsible for enforcing the Act in the premises. Premises already in use on that date will have to be registered in this way between 1st May and 31st July, 1964. To register your premises, you should obtain a form (OSR.1), which will be supplied free on request by the appropriate authority (see Appendix 2), at the beginning of the registration period, and complete and return it. The form will be arranged in duplicate because the second copy has to be passed by the general enforcing authority to the fire authority who also have duties in relation to your premises.

Cleanliness

SECTION 4

12. All premises, furniture, furnishings and fittings must be kept in a clean state. No dirt or refuse must

be allowed to accumulate, and floors and steps must be cleaned not less than once a week by washing or, if it is effective and suitable, by sweeping or some other method.

SECTIONS 42(2)
and 43(2)

13. The owner is responsible for keeping clean the "common parts" of certain buildings described in Part 4.

SECTION 4(5)

14. This section does not apply to fuel storage premises in the open air.

Overcrowding

SECTION 5(1)

15. A room in which people work must not be so overcrowded as to cause risk of injury to health. For this purpose, regard must be paid not only to the number of people in the room, but also to the amount of space occupied by furniture, fittings, machinery and other things.

SECTION 5(2)

16. In addition, after the relevant date mentioned in paragraph 18, a room where people work must be of such a size that there is 40 square feet of floor space in respect of each person habitually employed to work at one time in the room, or where the ceiling is lower than 10 feet, 400 cubic feet in respect of each such person. This does not mean that everybody must have his own space of 40 square feet. But it does mean, for example, that if you are employing three people in a room, the total floor space must amount to at least 120 square feet, or if the ceiling is lower than 10 feet, the cubic capacity of the room must amount to at least 1,200 cubic feet. Suppose the ceiling were only 8 feet high: the minimum cubic standard of 1,200 cubic feet for 3 people would require a minimum room area of 150 square feet, or 50 square feet in respect of each person. For this purpose, the size of the room is measured without regard to the space occupied by furniture, fittings, machinery and other things.

17. These numerical space standards do not apply to a room to which members of the public are invited to resort—for example, most parts of a shop—although such rooms will still be subject to the general prohibition of unhealthy overcrowding described in paragraph 15.

18. Premises which were used for purposes covered by the Act on 31st July, 1963 (when the Act was passed), will not be subject to the numerical space standards until 1st August, 1967—i.e. three years after section 5(2) comes into operation. Premises which were not so used on 31st July, 1963 (including those which first come into use after that date), must conform to these standards as from 1st August, 1964 (i.e. as soon as section 5(2) comes into operation), or from the date when they are first used if later.

Temperature

SECTION 6

19. You must ensure that a reasonable temperature can be maintained in every room in which people are employed other than for short periods. For rooms where a substantial proportion of the work does not involve severe physical effort, the Act states that *a reasonable temperature* shall be not less than 16 degrees Centigrade (60.8 degrees Fahrenheit) after the first hour. It also prohibits methods of heating likely to cause injurious or offensive fumes.

20. This minimum standard of temperature is not required in office rooms used by the public where its maintenance is not reasonably practicable; or in rooms in shop or railway premises where its maintenance is not reasonably practicable or would cause deterioration of goods. In these cases, employees must have access to means of warming themselves and the employer must give them reasonable opportunities to do so.

21. A thermometer must be provided in a conspicuous place on each floor if there is on that floor a room or rooms in which *a reasonable temperature* has to be maintained. Employees must be permitted to use the thermometer to check the temperature of the room in which they work.

Ventilation

SECTION 7

22. In all workrooms there must be effective and suitable means of ventilation by the circulation of adequate supplies of either fresh or artificially purified air.

Lighting

SECTION 8 23. You must provide for suitable and sufficient lighting, either natural or artificial, in every part of your premises in which people work or pass. Windows and skylights used for lighting must be kept clean and free from obstruction so far as reasonably practicable, but they can be whitewashed or shaded to mitigate heat or glare. Artificial lighting apparatus must be properly maintained.

SECTIONS 42(3)
and 43(2) 24. The owner is responsible for complying with the lighting provisions of the Act in the "common parts" of certain buildings described in Part 4.

Sanitary conveniences

SECTION 9 25. Sufficient and suitable sanitary conveniences must be provided in conformity with standards which will be prescribed by regulations.* They must be kept clean and properly maintained, with effective lighting and ventilation.

26. When you do not provide conveniences on or near the premises for the sole use of the workers covered by the Act, arrangements may be made for them to use conveniences provided for others (for example, for the staff of another concern in neighbouring premises) provided that all the requirements of the Act and regulations are met. Conveniences must in all cases be conveniently accessible to the workers.

SECTIONS 42(6)
and 43(4) 27. In certain buildings described in Part 4, the owner is responsible for meeting some of the requirements of the Act and regulations concerning sanitary conveniences.

Washing facilities

SECTION 10 28. Suitable and sufficient washing facilities must be provided, including a supply of clean, running hot and cold water or clean, running warm water, and soap and clean towels or other suitable means of cleaning or drying. The place where such facilities

*It is intended to make regulations which will come into force during 1965.

SECTIONS 42(7)
and 43(5)

are provided must have effective lighting and be kept clean and in orderly condition, and all apparatus must be kept clean and properly maintained. Regulations* will be made laying down standards for the provision of washing facilities, including the number of wash-basins to be provided in relation to the number of people employed. As with sanitary conveniences, arrangements may be made for employees to use washing facilities provided primarily for the use of others, provided that all the requirements of the Act and regulations are met. In all cases they must be conveniently accessible to the workers. 29. In certain buildings described in Part 4, the owner is responsible for meeting some of the requirements of the Act and regulations about washing facilities.

Drinking water

SECTION 11

30. An adequate supply of wholesome drinking water must be provided. If not piped, the water must be kept in suitable containers, renewed at least daily and preserved from contamination. The supply must be provided at suitable places conveniently accessible to employees. Drinking vessels must be supplied and, unless these are of a kind designed to be discarded after use, there must also be facilities for rinsing them in clean water. Drinking vessels are not required, however, where water is provided through a jet from which people can conveniently drink. As with sanitary conveniences and washing facilities, the occupier may make arrangements for his employees to use facilities provided for others so long as all the requirements of the Act are met.

Accommodation for clothing

SECTION 12

31. Arrangements must be made for clothing not worn during working hours, and also for working clothes not taken home, to be hung up or otherwise accommodated. In each case, such arrangements as are reasonably practicable must be made for drying clothing.

*It is intended to make regulations which will come into force during 1965.

Seating arrangements

- SECTION 13 32. Where employees have, while working, reasonable opportunities for sitting without detriment to their work, a sufficient number of conveniently accessible seats must be provided at suitable places for their use. In those parts of shop premises to which customers resort, the number of seats must not be less than one for every three employees. The employer must allow his workers to use the seats provided for them whenever this does not interfere with their work.

Seats for sedentary workers

- SECTION 14 33. Seats provided for workers who normally perform their work sitting must be suitable in design, construction and dimensions for the worker and for the kind of work done. A foot-rest must be provided unless it is possible to support the feet comfortably without one. Both the seat and foot-rest must be properly supported while in use.

Eating facilities

- SECTION 15 34. Where people employed in shops eat meals on the premises, suitable and sufficient facilities must be provided for them to do so.

Floors, passages and stairs

- SECTION 16 35. All floors, stairs, steps, passages and gangways must be soundly constructed and properly maintained and, so far as is reasonably practicable, kept free from obstruction and slippery substances.

36. A substantial hand-rail or hand-hold must be provided on every staircase, on the open side if there is one. On staircases which have two open sides or are especially hazardous, hand-rails or hand-holds must be provided on both sides. There must also be a guard sufficient to prevent people from accidentally falling through the open side of any staircase.

37. All openings in floors must be securely fenced (i.e. guarded) except in so far as the nature of the work makes this impracticable.

38. These requirements do not apply to any parts of fuel storage premises which are in the open. In these, the surface of the ground must be kept in good repair, steps and platforms must be soundly constructed and properly maintained, and all openings

SECTIONS
42(4) and (5)
and 43(3)

in platforms must be securely fenced except in so far as the nature of the work makes this impracticable. 39. In certain buildings described in Part 4, the owner is responsible for the condition of floors, stairs, steps, passages and gangways in the "common parts".

Fencing of exposed parts of machinery

SECTION 17

40. All dangerous parts of machinery must be securely fenced unless they are so placed or constructed as to be as safe as if they were so fenced. Fencing may be either by a fixed guard or, where such a guard is not possible, by an automatic safety device which prevents the operator from coming into contact with the dangerous part. All fencing so provided must be substantially constructed, properly maintained and kept in position while the dangerous part is in motion or in use.

Cleaning of machinery

SECTION 18

41. No person under 18 years of age may clean any machinery if this exposes him to risk of injury from a moving part of that or any adjacent machinery.

Training and supervision of persons working at dangerous machines

SECTION 19

42. No person may work at any machine specified by the Minister as dangerous unless he has been fully instructed as to the dangers arising and the precautions to be observed and has received sufficient training in work at the machine or is under adequate supervision by an experienced person. An order prescribing the machines to which this section applies will be made before this section comes into operation.

Prohibition of heavy work

SECTION 23

43. No person may be required, in the course of his work, to lift, carry, or move a load so heavy as to be likely to cause him injury.

First aid

SECTION 24

44. A first-aid box or cupboard, containing only first-aid requisites, must be provided for the use of employees in all premises and must be readily accessible. The contents must include those pre-

scribed by order made by the Minister; such an order will be made before this section comes into operation. Where more than 150 people are employed at one time, an additional box or cupboard must be provided for every additional 150 people or fraction of that number. Each box or cupboard must be placed in the charge of a responsible person.

45. Where there are more than 150 people employed on the premises one of the persons in charge of a first-aid box or cupboard must be trained in first aid to a standard which will be prescribed by order, and must always be available during working hours. A notice which can easily be read must be kept displayed, informing employees of the name of the trained person (or persons) available. For fuel storage premises wholly in the open, a notice with the same information must be given to each employee instead of being displayed.

46. If there is a first-aid room where people who are injured or ill can be treated immediately, the enforcing authority may exempt the occupier from some or all of the first-aid requirements of the Act.

47. These first-aid provisions do not apply to premises forming part of a mine or quarry, or of a hospital or registered nursing home.

SECTIONS 25,
26, 74 and 75

48. To avoid unnecessary duplication of first-aid facilities, regulations will be made under which workers in offices or shops within a factory or certain other places covered by the Factories Act 1961 will be treated as covered by the first-aid provisions of that Act, not the Offices, Shops and Railway Premises Act.

Penalisation of dangerous acts and interference with equipment

SECTION 27

49. It is an offence for *anyone*, on premises to which the Act applies, to do wilfully and without reasonable cause anything likely to endanger the health or safety of persons employed in them; or wilfully to misuse or interfere with or without reasonable excuse remove any equipment, appliance, facilities or other things which have been provided to meet the requirements of the Act or regulations.

SECTIONS 22,
42(8) - (10) and
43(6) - (8)

Dangerous conditions and practices

50. Cases may occasionally arise where an inspector of the enforcing authority considers that any part of premises, or any machinery or appliances in them, or any operations carried on in them, are so dangerous that their continued use is a risk to safety or health. In such a case, there is provision for a magistrates' court (or sheriff in Scotland) to make an order prohibiting their use or continuance to the extent necessary until steps have been taken to remedy the source of danger. In addition, where the court or sheriff is satisfied that the conditions or operations involve *imminent* risk to safety or health, and where the occupier has been given three days' notice, an interim order may be made prohibiting their use or continuance to the extent necessary, either with or without conditions, until the case has been decided. A copy of any summons issued to an occupier in respect of dangerous structures, machinery or appliances will be sent to the owner or owners if they are involved and they may appear at the hearing. There is a similar procedure for dealing with dangerous conditions in the "common parts" of certain buildings described in Part 4 where the owner is made responsible.

SECTION 72

51. The Act provides a right of appeal to a court of quarter sessions against an order by a court under these provisions.

Information for employees

SECTION 50

52. Regulations will be made requiring steps to be taken to inform employees of the effect of the Act and of regulations made under it. These steps may include:

- (1) posting in some prominent position in the premises an abstract of the Act as prescribed by the Minister, or
- (2) giving employees a copy of an official explanatory booklet.

Copies of both abstract and booklet will be on sale at branches of H.M. Stationery Office, or obtainable through any bookseller, when regulations made under this section of the Act come into force.

Part 3

WHAT YOU HAVE TO DO— FIRE PRECAUTIONS

General

53. To take precautions against the serious risks to life in the event of fire needs no justification: it is a matter of common sense. But often adequate precautions are not taken, either through ignorance or lethargy or a feeling that "It cannot happen to me". The purpose of the requirements in the Act is to ensure that reasonable precautions are taken in all premises covered by it and that in the buildings with greater potential fire hazards the advice of experts in fire prevention and means of escape is automatically made available through the process of certification (see paragraphs 57 onwards). Owners and occupiers of smaller premises can also avail themselves of such advice by getting in touch with the appropriate fire authority.

54. The following paragraphs first set out the general precautions against the risk of fire which must be taken in *all* premises covered by the Act (other than fuel storage premises in the open). Then they deal with the additional requirements which apply to premises for which the means of escape have to be certified.

All premises

(other than fuel storage premises in the open)

55. The following precautions must be observed:

SECTION 28

(1) There must be such means of escape in case of fire as may reasonably be necessary in the particular premises. In considering the adequacy of such means of escape, regard must be paid not only to the number of employees at work at any time but also to the number of other people who may reasonably be expected to be on the premises (for example, customers in a shop).

- SECTION 33(1) (2) While employees are working or taking a meal in the premises, the doors through which they may have to pass to get out of the premises must not be so locked or fastened that they cannot be immediately opened from the inside.
- SECTION 33(2) (3) The contents of workrooms must be so arranged as to afford free passage-way to a means of escape in case of fire.
- SECTION 38(1) (4) There must be appropriate fire-fighting equipment, properly maintained and readily available for use. In small premises with no unusual hazards, the provision of buckets of water may sometimes be sufficient, or hand-operated extinguishers or similar appliances may be preferred.
- SECTION 32 56. While such cases are likely to be rare, an inspector of the enforcing authority may consider that the conditions in particular premises regarding escape in case of fire are so dangerous that nobody should be employed in them or in part of them (or be employed on certain work) until the dangerous conditions have been remedied. In such a case, there is provision for a magistrates' court (or sheriff in Scotland) to make an appropriate order prohibiting the employment to the extent necessary until steps have been taken to remedy the dangerous conditions.
- SECTION 72 The Act provides a right of appeal against a court order to a court of quarter sessions.

Premises requiring fire certificates

Definitions

- SECTION 29(1) 57. In the following classes of premises the means of escape are required to be inspected and certified, and after 1st August, 1964, it will be unlawful to employ anyone in them unless a certificate has been granted by the appropriate authority, or has been applied for:
- (1) premises where more than 20 people are employed at any one time;
 - (2) premises where more than 10 people are employed at any one time other than on the ground floor;
 - (3) premises in the same building as other premises

subject to the Act or the Factories Act where the total of the employees in all the premises (covered by either Act) added together exceeds 20, or exceeds 10 working elsewhere than on the ground floor*;

(4) if the Minister makes regulations, premises in or underneath which such explosive or flammable materials as may be prescribed in the regulations are used or stored.

Application for a fire certificate

SECTION 29(2)

58. As soon as possible after 1st May, 1964, an application for a fire certificate in respect of such premises should be sent to the appropriate authority. The application may be made by either owner or occupier. It will normally be convenient for an occupier to complete and send in the application form if he is in sole occupation of the entire building in which his premises are situated, whether or not part of his occupation relates to premises not covered by the Act. In other buildings the owner should make the application. Part 4 of this guide explains the respective responsibilities of occupiers and owners as regards means of escape and other matters in certain kinds of buildings.

59. You can obtain an application form (OSR.3) from the authority responsible for enforcing the fire provisions of the Act in your premises (see Appendix 2). The application should, wherever possible, be accompanied by copies of a plan of the building showing the proposed means of escape. For this purpose a simple sketch plan will usually suffice.

Issue of a fire certificate

SECTION 29(3)

60. Once you have made such an application, the employment of people in the premises is not unlawful

*Regulations are being made under section 29(9) requiring persons employed in factories and those employed in premises subject to the Act in the same building to be added together in order to decide whether a fire certificate is necessary.

during the period in which the authority are considering your application. An inspector will examine your premises in due course and consider whether the means of escape are such as may reasonably be required in the circumstances, and if he is satisfied he will issue a certificate to that effect. He will take into consideration not only employees but also the number of people (for example, members of the public) who may be expected to be on the premises. The certificate will state:

SECTION 29(5)

- (1) the greatest number of people who in the opinion of the authority can safely be employed to work at any one time in the premises. You will therefore be permitted to increase the number of employees up to this maximum without notifying the authority;
- (2) precisely and in detail the means of escape including those exits which should be marked (see paragraph 69);
- (3) whether there are any special risks inherent in the premises.

SECTION 29(6)

The fire certificate must be kept in the premises so long as it is in force.

SECTIONS
42(11) and (12),
and 43(9) and (10)

61. If you occupy premises in certain kinds of building described in Part 4, the fire authority will send the certificate to the owner of the building, or of the relevant part of it, who is responsible for providing the means of escape. A copy of the certificate will be sent to the occupier, and this copy has to be kept in the premises so long as the certificate is in force.

Refusal of a fire certificate

SECTION 29(4)

62. When an application for a fire certificate has been made, the authority may refuse to issue one unless certain alterations are made within a specified time (which may be extended if necessary). When this time limit expires, it will be unlawful to employ people in the premises unless the alterations have been carried out and a certificate has been issued. You have a right to appeal against the authority's refusal to issue a certificate (see paragraph 66).

Change of conditions

SECTION 30(2) 63. Because of changing circumstances in premises and buildings, fire certificates have to be reviewed from time to time, and the enforcing authority may at any time inspect the premises to see whether conditions have changed and made the means of escape inadequate.

SECTION 30(3) 64. If you are proposing:
to make a material extension to, or material structural alteration of, the premises, or
to employ numbers at any one time above the maximum shown in the fire certificate, or
to begin to use or store in your premises explosive or flammable materials of a kind or in a quantity prescribed by the Minister,

SECTIONS 42(16)
and 43(14) you must inform the authority before doing so in order that they can consider whether the means of escape will still be adequate. In certain buildings described in Part 4, the occupier must tell the owner of any changes he proposes to make so that the owner may inform the authority. Where the authority are satisfied that the means of escape will still be adequate, they will note the fire certificate accordingly.

SECTION 30(6) 65. If the authority think that the means of escape have become insufficient or will become insufficient if you carry out your proposals, they may serve a notice on you requiring you to make alterations to the premises within a specified period or prohibiting you from carrying out your proposals until certain alterations have been made. When the alterations have been made, the authority will amend the certificate or issue a new one. If the alterations are not made, the certificate may be cancelled.

Right of appeal

SECTION 31 66. The Act provides a right of appeal to a magistrates' court (or sheriff in Scotland) against any of the following decisions of an authority concerning a fire certificate:

- a refusal to issue a certificate;
- a refusal to amend a certificate;
- a requirement to make alterations to the premises

within a specified period;

a prohibition on your carrying out proposed changes until specified alterations have been made to the premises;

the cancellation of a certificate.

The appeal must be made within 21 days of the authority's decision. Any order which the court (or sheriff) may make will be binding on the authority, but you may, if you wish, appeal against the order to a court of quarter sessions.

SECTION 72

SECTION 31(2)

67. If you have appealed against an authority's refusal to issue or decision to cancel a fire certificate, it will not be unlawful to employ persons in your premises pending the final determination of your appeal.

Keeping escape routes free from obstruction

SECTION 30(1)

SECTIONS 42(13)
and 43(11)

68. All means of escape specified in a fire certificate must be properly maintained and kept free from obstruction. In a building where the owner is responsible for providing means of escape, the occupier is still responsible for seeing that nothing is done in his own premises to obstruct escape routes.

Marking of fire exits

SECTIONS 33(3),
42(13) and
43(11)

69. Fire certificates will specify in detail the escape route(s) for each set of premises and will state which exits must be marked. Occupiers of premises requiring a certificate (owners for certain buildings described in Part 4) are responsible for seeing that all such exits have conspicuously and clearly marked notices, e.g. "FIRE EXIT". This does not apply to exits in ordinary use, e.g. office or shop entrances.

Fire alarms

SECTIONS 34,
42(14) and
43(12)

70. Occupiers of premises requiring a fire certificate (owners for certain buildings described in Part 4) are responsible for providing an effective fire alarm capable of being operated without exposing anyone to undue risk, and for testing or examining it at least once every three months and whenever required by the appropriate authority. Alarms may be audible or visible, and in smaller premises with a low fire risk, simple devices such as hand-operated bells, gongs, whistles or klaxons may well suffice.

71. Whatever type of alarm is used, it must reach to every part of the premises, and in a multi-occupied building it must reach to all other premises affected by the Act, and any other part of the building used by employees.

Fire drills for employees

SECTION 36(1)

72. Occupiers of premises requiring a fire certificate must take effective steps to ensure that all their employees are familiar with the means of escape and the routine to be followed in case of fire. This is normally best done by holding a regular fire drill. This requirement is intended to ensure that the evacuation of a building in case of fire shall take place in a calm and orderly fashion, that the means of escape are used in accordance with a predetermined and practised plan, and that a routine is followed when a fire breaks out, for example, sounding the alarm, calling the fire brigade, and so on.

Co-operation between owner and occupier

SECTIONS 42⁽¹⁵⁾ and 43⁽¹³⁾

73. In certain buildings described in Part 4, responsibility for complying with some of the fire provisions is placed on the owner(s). Compliance with certain provisions may require co-operation between an owner and an occupier or between the owner of one part of the building and the owner of another part. If an occupier or other person having an interest in the building prevents an owner from making such alterations as the authority require to be made or from testing or examining a fire alarm, the owner may make a complaint to a magistrates' court (or, in Scotland, a summary application to a sheriff). The court (or sheriff) may order the occupier or other person with an interest in the building to permit the requirements of the Act to be carried out.

SECTION 73

74. The Act also provides machinery for setting aside or modifying any terms of an agreement or lease and for apportioning expenses (see paragraphs 81-83).

Part 4

RESPONSIBILITY FOR COMPLYING WITH THE PROVISIONS OF THE ACT

General

SECTION 63

SECTIONS 42 and 43

75. Responsibility for complying with the provisions of the Act is laid generally on the *occupier* of premises to which it applies, although the actual *employer* of persons working in the premises (if different from the occupier) has responsibilities under sections 6(6), 13(3), 47, 48(3), 49 and (when regulations are made) section 50. In certain buildings described below, some of the occupier's responsibilities are transferred to the *owner* of the building, who is also responsible for complying with certain provisions of the Act in the "common parts" of the building, i.e. those parts which have not been let but which are used by the employees of the occupier(s), for example, entrances, halls, passages, stairways, lifts.

Whole building leased to one occupier

SECTION 63

76. Where a whole building is held under lease or licence by one occupier and consists entirely of premises to which the Act applies, the occupier is responsible for complying with all the provisions of the Act (apart from those which are allocated to the actual employer, if different from the occupier).

77. If an occupier sublets part of the building, he is no longer regarded as a sole occupier and responsibility is divided as shown in the next paragraph.

Building with a number of occupiers or not entirely leased to one occupier

78. Where a building is divided up into a number of sets of premises leased to different occupiers and the Act applies to one or more of them, or where there is a single occupier holding on lease premises

within the Act which do not extend to the whole building, the responsibilities are divided as follows:

SECTION
42(2)-(5)

(1) *"Common parts"*

The owner is responsible for complying with certain requirements of the Act in the "common parts" of the building. These requirements are cleanliness, lighting and the safety of floors, stairs, steps, passages and gangways (see paragraphs 12, 23 and 35-38).

SECTION
42(6) and (7)

(2) *Sanitary conveniences and washing facilities*

The owner of the building is responsible for complying with all the provisions of sections 9 and 10 concerning sanitary conveniences and washing facilities except for:

- (a) cleaning the conveniences and facilities if they are provided for the sole use of the employees of one occupier;
- (b) providing soap and towels or other means of cleaning and drying (see paragraphs 25-28).

SECTION 42(11),
(13) and (14)

(3) *Fire precautions*

The owner of the building is responsible for complying with the provisions of the Act relating to fire precautions throughout the building (including the "common parts"), except that the occupier remains responsible for the following provisions in the parts of the building which he occupies:

- (a) keeping the means of escape free from any obstruction caused by the use of his premises (see paragraph 68);
- (b) maintaining free access to the means of escape (see paragraph 55(2)-(3));
- (c) ensuring that employees are familiar with the means of escape and with the routine to be followed in case of fire (see paragraph 72);
- (d) providing and maintaining fire-fighting equipment in an accessible position (see paragraph 55(4)).

The chart below illustrates, for quick reference, where responsibility is divided between owners and occupiers in such buildings:

		<i>Responsibility allocated to:</i>	
		<i>Occupier</i>	<i>Owner</i>
(1)	Common parts (cleaning, lighting, safety).		X
(2)	Provision of sanitary conveniences and washing facilities (including maintenance, lighting and ventilation, as required).		X
(3)	Cleaning of sanitary conveniences and washing facilities provided for joint use by two or more occupiers.		X
(4)	Cleaning of sanitary conveniences and washing facilities provided for sole use of one occupier.	X	
(5)	Provision of soap and towels or other means of cleaning and drying.	X	
(6)	All provisions relating to fire precautions, except those in (7).		X
(7)	Taking precautions within individual premises so as to provide free access to means of escape, making employees familiar with the escape routine, and provision of fire-fighting equipment.	X	

Building in plural ownership

SECTION 43 79. Responsibility is similarly divided when a building containing premises to which the Act applies is one of which different parts are owned by different persons (this is probably most common in Scotland). The occupiers' responsibilities remain the same as in paragraph 78. All the responsibilities allocated to the owner in paragraph 78 are laid upon the owner or owners of the part of the building concerned, with the exception of the responsibilities relating to fire precautions which are laid upon all the owners of the building together.

Fuel storage premises

SECTION 44 80. Where a piece of land in single ownership contains two or more sets of fuel storage premises as defined in the Act, the division of responsibilities between the owner of the land and the occupiers of the premises as regards sanitary conveniences and washing facilities is the same as that in paragraph 78.

Modification of agreements

SECTION 73(1) 81. Where an owner or occupier is prevented by the terms of an agreement or lease from carrying out his responsibilities under the Act, either party may ask the county court (or sheriff in Scotland) to set aside or modify the terms to enable him to do so.

Who pays the cost of implementing the provisions of the Act?

SECTION 47 82. Although the Act allocates responsibility for complying with its requirements and states who is liable to prosecution in cases of contravention, it does not allocate responsibility for any expenditure which is necessary. It does, however, lay down that such expenditure must not be recovered from the work-people employed in the premises by levying charges on them.

SECTION 73(2) 83. It is therefore open to owners, occupiers and other persons having an interest in the premises to make arrangements between themselves as to how the expenditure is to be met. Where they are unable to reach agreement, any party may apply to the county court (or the sheriff in Scotland) for an order

apportioning the expenses. Such an order may also modify the terms of an agreement or lease as regards the payment of rent.

Buildings owned or occupied by the Crown

SECTION 83

84. Certain provisions of the Act are made binding upon the Crown by section 83 in relation to premises owned or occupied by the Crown in so far as those provisions impose duties failure to comply with which might give rise to a liability in tort. The effect of this section, in conjunction with the provisions of the Crown Proceedings Act 1947, is to render the Crown in its public capacity liable to answer an allegation in a civil action that there has been a breach of statutory duty imposed by the Act.

85. An assurance can be given that, in all premises in respect of which duties may arise under section 83 of the Act, the Crown will comply with all the duties of owner, occupier or employer to which it would be subject under the Act if it were a private person.

86. The effect of section 83 as regards non-Crown owners and occupiers is broadly as follows:

such persons are not relieved from any of their obligations under the Act merely because there may be a Crown interest in the building or premises;

H.M. Factory Inspectorate will enforce the Act, in so far as it is enforceable, in a building of which the Crown is owner and in premises occupied by the Crown.

Part 5

EXEMPTIONS

General

87. The Act will cover a wide variety of premises and circumstances and it is sensible to have a reasonable degree of flexibility in administration, particularly during the first few years after it comes into force. For this reason there are limited powers of exemption in sections 45 and 46 of the Act.

Exemption by the Minister

SECTION 45

88. The Minister has power to exempt by order a *class* of premises from certain requirements where, in his opinion, it would be unreasonable to require compliance because of special circumstances. The requirements in question are those relating to room space for employees (section 5(2)), temperature (section 6), sanitary conveniences (section 9) and washing facilities (section 10). As regards space and temperature, an exemption order may relate to a class of rooms.

89. An exemption under this section may be granted unconditionally or subject to conditions and with or without a limit of time. The Minister may not make such an exemption order, however, except after consultation with such organisations as appear to him to be representative of the employers, workers and other persons concerned.

Exemption by enforcing authority

SECTION 46

90. If the enforcing authority are satisfied that compliance is not reasonably practicable they may exempt *individual* premises from any of the following requirements: room space for employees (section 5 (2)), temperature (section 6), sanitary conveniences (section 9), and the requirements to supply running water (section 10(1)). As regards space and temperature, the exemption may relate to individual rooms.

91. The criteria for exemption will be strict, and the owner or occupier will be expected to use his period of exemption (see paragraph 95) to make arrangements to bring the building or premises up to the standards required by the Act.

Procedure for applying for an exemption

SECTION 46(5)

92. You may apply for an exemption under section 46 at any time after 1st May, 1964. If you wish to do so you must obtain a form (OSR.5) prescribed for the purpose. This form can be obtained at branches of H.M. Stationery Office or through any bookseller.

93. Your application must be sent to the appropriate authority (see Appendix 2) and be accompanied by a certificate stating that you have posted a notice giving details of your application. This notice must be posted in your premises, or alternatively in a "common part" of a building described in Part 4, so that it can be easily seen and read by the employees concerned. It must give the following information:

- (1) that an application for exemption is being made;
- (2) the requirement from which exemption is being sought;
- (3) for how long exemption is being sought;
- (4) the name and address of the authority to whom the application is being made;
- (5) that those who work in the premises may make written representations to this authority within a period of 14 days beginning with the day next following that on which the notice is posted.

You must keep the notice posted throughout this 14-day period.

SECTION 46(9)

94. If your application is granted, the enforcing authority will send you a certificate of exemption. You must keep this certificate posted in the premises to which it relates so that those employed there can see it easily.

Periods for which exemptions may be granted

SECTION 46(4)

95. Exemption from the requirement to supply running water may be granted either without time limit or for a specified period. Exemption from the other three requirements may be granted for a period of up to two years, and may be renewed if the enforcing authority are satisfied that in the meantime you have not failed to do anything that would make compliance reasonably practicable. If you wish to apply for a renewal of an exemption, you must follow the procedure laid down for the original application (see paragraph 93).

Withdrawal of, or refusal to grant, an exemption

SECTION 46(7)

96. An exemption may be withdrawn if the enforcing authority cease to be satisfied that compliance with the requirement from which you were exempted is not reasonably practicable. You are entitled to three months' notice of such a withdrawal.

SECTION 46(11)

97. If your application for an exemption or extension of an exemption is refused, or if the enforcing authority give notice of the withdrawal of an exemption, you may appeal to a magistrates' court (or, in Scotland, a sheriff). You must lodge your appeal within 21 days of the refusal or of the service of a notice of withdrawal. If the court is satisfied that an exemption is justified, it may order the grant of the exemption or extension, or the cancellation of the notice of withdrawal.

Part 6

OVERLAPPING WITH PROVISIONS OF OTHER ACTS

98. Some of the matters for which there are provisions in this Act are dealt with to a greater or lesser extent in other legislation which may also apply to your premises. Thus, the Food Hygiene (General) Regulations 1960 which were made under the Food and Drugs Act 1955 apply to food shops and lay down requirements on such matters as cleanliness, sanitary conveniences and washing facilities. These Regulations are, of course, concerned primarily with the cleanliness of food and the protection of the customer, while the object of the Offices, Shops and Railway Premises Act is to lay down standards for employees. Because of their different purposes, the standards required under the two Acts may differ in detail. Wherever there are overlapping provisions of this kind you are bound in law to comply with both requirements. In practice, to the extent that the requirements cover the same ground, you will normally satisfy both of them if you apply the higher standard to your premises. In most instances, the same authority will be responsible for the enforcement of both Acts so that no difficulties should arise.

SECTIONS 76,
77, 91 and
Schedule 2

99. The same principle should be adopted in cases where there is overlapping between the Offices, Shops and Railway Premises Act and other Acts. Where the provisions of other Acts are no longer required, for example, sections 37 to 39 of the Shops Act 1950, they will be repealed under the Offices, Shops and Railway Premises Act when it comes into operation or will no longer apply to premises within the scope of the Act.

SECTION 78

100. There is a special provision in the Act to deal with any conflict that may arise between its requirements and those of a local Act of Parliament. You are protected from contravention of a local Act which

requires you to make alterations to a building or its apparatus or fittings if compliance with the local Act would involve a contravention of the Offices, Shops and Railway Premises Act or its regulations.

Part 7

NOTIFICATION OF ACCIDENTS

- SECTION 48(1) 101. The Act requires you to notify the enforcing authority forthwith of any accident occurring in your premises which:
- causes the death of a person employed to work in the premises, or
 - disables any such person for more than three days from doing his usual work.
- For this purpose you should count the day on which the accident occurred and all subsequent days (including week-ends and holidays) on which the person concerned would not have been able to do his usual work.
102. It is very important that this information should be sent in because it will help the Government to decide whether more effective protection is required for employees in the premises covered by the Act. The notification has to be made in a form prescribed by order by the Minister and copies of such a form (OSR.2) may be obtained from branches of H.M. Stationery Office or through any bookseller.
- SECTION 48(2) 103. If a person dies as a result of the disablement you have notified under paragraph 101, you must also report the death.
- SECTION 48(3) 104. An employer (in cases where he is a different person from the occupier) must report accidents to the occupier who is in turn responsible for notifying the appropriate authority. This would apply, for example, where an accident occurs to an employee such as a typewriter mechanic or a window cleaner while visiting an office or shop. In these instances, the occupier might not know whether the injured person had been disabled for three days unless he was informed by the actual employer.
- SECTION 48(1) 105. If you are required to give notice of the accident under another Act of Parliament, for example, the Explosives Act 1875 or the Petroleum (Consolidation) Act 1928, you need not do so in addition under the Offices, Shops and Railway Premises Act.

Part 8

ENFORCEMENT

Enforcing authorities

SECTION 52 106. There are three main classes of enforcing authorities for the general provisions of the Act (sections 4-27 and 46-50)—local authorities (defined in Appendix 3 of this guide), H.M. Factory Inspectors, and H.M. Inspectors of Mines and Quarries—depending on the class of premises concerned. For the fire provisions (sections 28-41) there are two enforcing authorities—fire authorities (see Appendix 3) and Factory Inspectors—again depending on the type of premises. The division of duties is set out in detail in Appendix 2. Every local authority and fire authority is required to appoint inspectors to enforce the Act in their area.

Powers of inspectors

SECTIONS 53 and 54 107. Inspectors have power at any reasonable time to enter premises to which the Act applies, or which they have reasonable cause to believe to be such premises. They may also enter “common parts” of buildings, any other places where facilities, etc., for employees are provided under the Act, and other premises situated underneath premises to which the Act applies if they have reasonable cause to believe that explosive or flammable materials are used or stored there. They may make such examination and ask such questions of persons in any of these places as may be necessary to find out if the Act and regulations are being complied with, and may ask for certificates and notices connected with the Act to be produced. It is an offence to obstruct an inspector in the course of his duty.

SECTION 55 108. When an inspector visits premises to enforce this Act, you may ask him to produce evidence of authority. If he is a Factory Inspector this will be the certificate of appointment issued to him; any local

authority inspector or officer of a fire authority will have a document showing that he has been appointed by that authority.

- SECTION 56 109. Occasionally a Factory Inspector or an Inspector of Mines and Quarries may invite an officer of a fire brigade to visit premises for the purpose of advising him on some particular matter. If such an officer is so authorised in writing, he has all the powers of the inspector issuing the invitation.

Uniform administration

- SECTION 57 110. The Minister has used his power under the Act to appoint certain officers whose duty will be to advise local authorities on its enforcement in order to secure uniform administration over the country as a whole.

Restriction of disclosure of information by inspectors

- SECTION 59 111. The Act prohibits an inspector from disclosing any information obtained by him in any premises entered by him in exercise of powers conferred on him by the Act, unless such disclosure is in the performance of his duty or for the purposes of legal proceedings or a report of such proceedings.

Penalties for non-compliance

- SECTION 64 112. In some provisions of the Act, specific penalties are laid down for a contravention of the provision. Penalties in respect of offences for which no specific penalty is provided are set out in section 64. These general penalties are a fine of up to £60 (or up to £300 in the case of a contravention likely to cause death or serious injury) and of further fines of up to £15 a day for continuing offences.

Penalty on persons actually committing offences for which others are liable

- SECTION 66 113. If a contravention of the Act occurs for which a person is liable to a penalty and the contravention is due to an act or default of another person, that other person may be charged with the offence whether or not proceedings are taken against the first person.

Defence available to persons charged with offences

SECTION 67 114. Proof of the exercise of all due diligence to secure compliance with the Act or regulations under it will provide a defence for a person charged with a contravention. Experience has shown, however, that "all due diligence" is a stiff test. You will have to show that you have done everything possible to secure compliance with the statutory requirements.

Appeal from orders made on complaint

SECTION 72 115. An appeal to a court of quarter sessions may be made by any person who is aggrieved by an order made by a magistrates' court on determining a complaint.

Appendix 1

DETAILED GUIDANCE ON THE SCOPE OF THE ACT

The following notes are intended, by way of illustration, to help you decide whether your premises are covered by the Act. It must be stressed that, as with other matters dealt with in this guide, final decisions on the interpretation of the Act can only be given by the Courts.

Restriction to employed persons

- SECTION 1(1) 1. The scope of the Act is restricted to premises "*in the case of which persons are employed to work*". Premises in which only self-employed persons work are not covered by it. The word "employed" is given a wide meaning (see definition in Appendix 3); it is not necessary for a written contract of service to exist. The premises are covered by the Act even if the employed persons spend a substantial part of their time outside them, for example, commercial travellers. The test in such a case is whether the total number of manhours worked by the employed persons in the premises normally exceeds 21 hours each week (see section 3 of the Act). Premises to which the Act applies are still covered by it outside normal working hours. This might be important in relation to a particular requirement, for example, keeping means of escape free from obstruction in the evening when, for instance, the canteen may be in use.

Office premises

- SECTION 1(2) 2. "*Office premises*" means a building or part of a building, being a building or part the sole or principal use of which is as an office or for office purposes;

"office purposes" includes the purposes of administration, clerical work, handling money and telephone and telegraph operating; and "clerical work" includes writing, book-keeping, sorting papers, filing, typing, duplicating, machine

calculating, drawing and the editorial preparation of matter for publication.

The definition of "office premises" is intended to have wide application. It includes offices forming part of a building mainly used for other purposes, for example, an office in a cinema, hotel, hospital, club or factory. The building may be no more than a structure (see section 90(1) of the Act). Whatever the size of the office, it will be within the scope of the Act if its sole or principal use is for "office purposes".

3. The test of "sole or principal use" is necessary because there are many classes of premises where, although some clerical work is done, the principal use of the premises is clearly not as an office. For example, people employed on scientific work in a laboratory may make notes as they work, but this would not normally bring a laboratory within the definition of "office premises". The Act would, however, apply to a clearly identifiable part of the laboratory if that part were solely or principally used for "office purposes".

4. The definitions of "office purposes" and "clerical work", while clearly far-reaching, are framed in such a way that they do not exclude other types of work which may be regarded, in a particular case, as part of the business of an office.

5. In schools, "office premises" will generally include offices occupied by the secretary and other clerical staff or by the head teacher, but will exclude staff common rooms and classrooms.

6. The Act also applies to premises occupied together with office premises for the purposes of the activities carried on there. For example, stairs, passages, landings, storerooms, entrance halls and yards are covered if they are in the same occupation as the office, are physically adjacent to it and are used for purposes connected with the business of the office.

7. On the other hand, where an office is situated in premises not used mainly for office purposes, it is not intended that the existence of the office should necessarily bring the rest of the premises within the

scope of the Act. For example, an office attached to a doctor's surgery would not bring the surgery within the Act simply because they were occupied together. The reason for this is that the surgery would not be regarded as being occupied for the purposes of the activities carried on in the office. The Act would, of course, apply to the office itself.

Shop premises

General

SECTION 1(3)

8. "Shop premises" includes all shops in the everyday sense of the word, e.g. a greengrocer's shop. It also includes "*a building or part of a building . . . which is not a shop but of which the sole or principal use is the carrying on there of retail trade or business.*" This part of the definition is intended to cover premises where goods may not necessarily be sold across the counter but where the occupier is nevertheless engaged in "retail trade or business" in the widest sense of the term. Examples of such premises are: a barber's or hairdresser's shop; places where goods are lent for gain (such as a lending library operated for profit) or hired (such as a television rental shop); a mail order business (dealing with the final customer through the post or through agents); a gift shop (in which goods are supplied against coupons); auction rooms used for retail sales; and places, such as cafés, restaurants and public houses, which serve food or drink for immediate consumption by members of the public.

9. In this type of case, the Act only applies where the sole or principal use of the premises is for retail trade or business. Thus, the bars and dining-rooms of hotels will be covered by the Act if they are principally used for serving the public, i.e. non-residents of the hotel. If they are used mainly by residents, they will not be regarded as falling within the scope of the Act.

10. Another example of the application of the "sole or principal use" test is to be found in places of public entertainment. Thus, the sale of ice-cream and confectionery from a tray in the auditorium of a theatre or cinema during the intervals would not result in the auditorium being regarded as "shop

premises" because its principal use is clearly for other purposes. On the other hand, if the foyer of the theatre or cinema contains a small shop or stall where confectionery is regularly sold, the shop or stall is likely to be regarded as "premises" distinct from the rest of the foyer, and the "sole or principal use" test would bring it within the Act.

11. The definition of "shop premises" includes places where goods are received for repair or other treatment, for example, clothes for dry cleaning or shoes for repair; and places where facilities are provided for the public to repair or treat goods themselves, for example, a self-service laundry. Parts of the premises where cleaning or repairs are carried out by employees will generally be within the Factories Act 1961 — see paragraph 21 of this Appendix.

12. The definition of "shop premises" also includes a building (or part of one) occupied by a wholesale dealer or merchant where goods are kept for sale wholesale. It is immaterial whether or not people resort to the building in order to purchase the goods kept there. This definition covers most warehouses occupied by wholesale dealers or merchants (but it excludes warehouses forming part of a factory and dock warehouses covered by the Factories Act 1961 — see paragraph 21).

13. As with "office premises", the Act does not apply only to rooms in which employees work. Premises occupied together with the "shop premises" (as defined above) for the purposes of the activities carried on there will be regarded as forming part of them. For example, stairs, cloakrooms and store-rooms will normally be included. But any rooms used for the purposes of the shop which are not part of or adjacent to the "shop premises" are excluded (except for any parts which are themselves "office premises").

Covered markets

SECTION 51

14. The Act applies to shop premises in covered markets but because the application of the Act to

such premises gives rise to particular problems, owing to the nature and lay-out of the sites, most of its application to these premises is being delayed until special regulations have been worked out and consultations have taken place with the interested organisations. If you occupy premises in a covered market, you must register your premises but you are not required to take any further action until these special regulations have been made.

Fuel storage premises

SECTION 1(3)

15. The expression "shop premises" also includes premises, whether covered or in the open air, which are occupied by a person engaged in the trade or business of selling solid fuel and where such fuel is stored before sale. "Solid fuel" means coal, coke, and any solid fuel derived from coal or of which coal or coke is a constituent. Any huts or buildings (other than "office premises"), which are occupied together with "fuel storage premises" for the purposes of the activities carried on there, are included. The definition does not include such premises in docks or on canal wharves (which are both subject to the Factories Act 1961) or at a mine or quarry where the only employees are those of the owner of the mine or quarry.

Railway premises

SECTIONS 1(4) and 90(1)

16. "Railway premises" means a building (or part of one) occupied by railway undertakers for the purposes of the railway undertaking carried on by them and situate in the immediate vicinity of the permanent way (see paragraph 18 below for exclusions). This definition would include, for example, signal boxes and buildings in stations and goods yards where people are employed. For this purpose, the word "building" does not include a structure.

SECTION 90(1)

17. The expression "railway undertakers" means any persons authorised by an enactment or a provision of an order or scheme made under or confirmed by an Act to construct, work or carry on a railway.

SECTION 1(4)

18. The following are excluded from the definition of "railway premises":

office or shop premises (these are within the scope of the Act under the preceding definitions);
living accommodation for railway staff;
hotels (but the bars, restaurants and offices may be covered by other definitions);
electrical stations and other premises to which the Factories Act 1961 applies;

SECTION 90(3)(b) certain premises to which railway employees resort for duties which are incidental to their primary work: for example, minor and ancillary buildings in which railwaymen store tools, record jobs done elsewhere, or shelter from the weather.

SECTION 90(3)(a) 19. Open-air workers along the permanent way are given the protection of the Act so far as it is applicable to them in that they are deemed to work at the premises where their work is generally controlled.

Staff canteens

SECTION 1(5) 20. The Act also covers staff canteens which are maintained in conjunction with office, shop or railway premises for the purpose of the sale or supply for immediate consumption of food or drink wholly or mainly to people employed to work in the premises in question. This provision includes canteens which are run by an occupier other than the occupier of the office, shop or railway premises, for example, a contractor, and also canteens which are situated away from the premises where the employees work.

Exclusion of factory premises

SECTION 85(1) 21. The definitions of office, shop and railway premises in section 1 of the Act would as they stand include some parts of buildings to which the Factories Act 1961 applies. There is a general exclusion from the Act in section 85(1) of premises which form part of a factory and it is intended that the Factories Act should continue to apply to such parts (other than certain wholesale warehouses which are transferred by section 75(3) to the new Act). As a result, each Act may apply to a different part of certain kinds of premises, such as a business engaged in dry cleaning or shoe repairing.

Appendix 2 OFFICES, SHOPS AND RAILWAY PREMISES ACT 1963

Authorities¹ responsible for enforcing different provisions of the Act in different classes of premises (Sections 52, 83, 88 and 89)

<i>Class of Premises</i>	<i>General Provisions other than Fire (Sections 4-27 and 46-50)</i>	<i>Means of Escape (Sections 28, 29, 30, 32, 35)</i>	<i>Other Fire Provisions (Sections 33, 34, 36-38)</i>
Premises owned or occupied by the Crown ..	H.M. Factory Inspector ²	H.M. Factory Inspector ²	H.M. Factory Inspector ²
Premises occupied by county councils, local, fire and police authorities; probation committees	H.M. Factory Inspector	H.M. Factory Inspector	H.M. Factory Inspector
Premises provided and maintained by county councils and local authorities for purposes connected with the administration of justice	H.M. Factory Inspector	H.M. Factory Inspector	H.M. Factory Inspector
Premises in a school maintained by L.E.A. ..	H.M. Factory Inspector	H.M. Factory Inspector	H.M. Factory Inspector
U.K. Atomic Energy Authority premises ..	H.M. Factory Inspector	H.M. Factory Inspector	H.M. Factory Inspector
Offices and shops in factories and other places covered by the Factories Act 1961 ..	H.M. Factory Inspector	Fire Authority	H.M. Factory Inspector
Railway premises and railway offices (except offices in railway hotels and those not situated in the immediate vicinity of the permanent way). Fuel storage premises on land owned by railway undertakers.	H.M. Factory Inspector	Fire Authority	H.M. Factory Inspector
Offices and shops in places of public entertainment in London	London County Council	Fire Authority ³	Fire Authority ³
Offices, shops and fuel storage premises at mines and quarries	H.M. Inspector of Mines and Quarries	Fire Authority	H.M. Inspector of Mines and Quarries
Other offices and shops	Local Authority ⁴	Fire Authority	Fire Authority

¹ References to H.M. Factory Inspector mean the Factory Inspector in whose District the premises are situated.

The definitions of fire authority and local authority are given in Appendix 3.

² Where the Crown is the occupier, inspection will take place by administrative arrangement.

³ The fire authority in this case will in fact be the London County Council.

⁴ The fire authority in this case will in fact be the London County Council. These provisions will be enforced by the respective overseers by virtue of section 80 of the Act.

Appendix 3

SOME USEFUL DEFINITIONS

Building There is no definition of the word “building” in the Act, except that it includes a structure (other than in railway premises). For the purposes of administration, it is proposed generally to regard the limits of a building as set by party walls through which there is no internal communication with neighbouring buildings.

Employed means employed under a contract of service or apprenticeship (whether oral or in writing, express or implied).

Fire authority means the authority discharging in any area the functions of fire authority under the Fire Services Act, 1947. That Act places this duty on the council of every county and county borough (in Scotland, the council of every county and the town council of a large burgh). In some parts of the country, however, there is in operation an approved scheme under which an authority has been constituted as a fire authority for a combined area. The name and address of the appropriate fire authority for your premises may be obtained from the office of your local authority.

Local authority means, as respects England and Wales, the council of a county borough or a county district, the council of a metropolitan borough or the Common Council of the City of London, and as respects Scotland the council of a county or the town council of a burgh.

Owner

(a) as respects England and Wales, means the person for the time being receiving the rackrent of the premises, building or part of a building in connection with which the word is used, whether on his own account or as an agent or trustee for another person, or who would so receive the rack-

rent if the premises, building or part were let at a rackrent, and

(b) as respects Scotland, means the person for the time entitled to receive or who would, if the same were let, be entitled to receive the rents of the premises, building or part of a building in connection with which the word is used and includes a trustee, factor, tutor or curator, and in the case of public or municipal property, applies to the persons to whom the management thereof is entrusted, and "owned" and "ownership" shall be construed accordingly.

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