

PARLIAMENT OF CEYLON

1st Session 1960-61



Factories (Amendment) Act, No. 54 of 1961

Date of Assent : June 19, 1961

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AN ACT TO AMEND THE FACTORIES
ORDINANCE, No. 45 OF 1942.

[Date of Assent: June 19, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Factories (Amendment) Act, No. 54 of 1961.

Short title.

2. Part I of the Factories Ordinance, No. 45 of 1942, hereinafter referred to as the "principal enactment" is hereby repealed and the following new Part is substituted therefor:—

Replacement
of Part I
of Ordinance
No. 45 of 1942.

"PART I.

NOTICE OF INTENTION TO OCCUPY
OR USE A FACTORY.

Notice of
intention to
commence the
occupation of,
or the use of
any premises
as, a factory.

2. On and after such date as may be fixed in that behalf by the Minister by notification published in the *Gazette*, no person shall commence the occupation of, or the use of any premises as, a factory unless he has, at least one month before the date on which it is intended to commence such occupation or use, served on the chief inspector or the inspector for the district a written notice stating the intention to commence, and the date on which it is intended to commence, such occupation or use, and specifying the name and address of such person, the situation of the factory or premises, the nature of the work to be carried on therein and the particulars in respect of such matters relating to the factory or premises as may be prescribed:

Provided that such person may, after serving such notice, commence such occupation or use on a date earlier than that specified in the notice if he has obtained written permission to do so from the chief inspector or the inspector for the district.

Penalty for
contravention
of section 2.

3. (1) Every person who commences the occupation of, or the use of any premises as, a factory in contravention of section 2 shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding two hundred rupees.

(2) A person who is convicted of an offence under sub-section (1) shall, within a period of fourteen days after the date of the conviction, serve on the chief inspector or the inspector for the district a written notice stating the situation of the factory or premises in respect of which the offence was committed, the name and address of such person, the nature of the work carried on in the factory or premises and the particulars in respect of such matters relating to the factory or premises as may be prescribed.

(3) Any person who fails to comply with the provisions of sub-section (2) shall be guilty of an offence and shall, on conviction, be liable to a fine of two hundred rupees and to a further fine of fifty rupees for each day on which that offence continues.

Return to be
furnished in
respect of a
factory
established
before the
date fixed
by the Minister
under section 2.

4. The occupier of a factory, established before the date fixed by the Minister under section 2 and in use on such date, shall, within a period of one month after such date, furnish to the chief inspector or the inspector for the district a return stating the situation and nature of the factory, the name and address of such occupier and the particulars in respect of such matters relating to the factory as may be prescribed.

Notice of
suspension and
resumption of
work in a
factory to be
served on the
chief inspector
or the
inspector for
the district,

5. Where work in any factory has been suspended for a period exceeding six months, the person who, immediately before such work was suspended, was the occupier of that factory—

(a) shall serve on the chief inspector or the inspector for the district a written notice specifying the date on which such work was suspended, and

(b) shall not resume such work therein unless he has, at least fifteen days before the date on which it is intended to resume such work, served on the chief inspector or the inspector for the district a written notice stating the intention to resume, and the date on which it is intended to resume, such work.”.

3. Section 79 of the principal enactment is hereby amended, in sub-section (2) of that section, as follows:—

Amendment of section 79 of the principal enactment.

(a) by the re-lettering of paragraph (a) as paragraph (aa); and

(b) by the insertion, immediately before re-lettered paragraph (aa), of the following new paragraph:—

“(a) Part I.”.

4. Section 81 of the principal enactment is hereby amended as follows:—

Amendment of section 81 of the principal enactment.

(1) in sub-section (1) of that section—

(a) by the re-lettering of paragraph (a) as paragraph (aa), and

(b) by the insertion, immediately before re-lettered paragraph (aa), of the following new paragraph:—

“(a) Part I.”; and.

(2) in sub-section (2) of that section—

(a) by the substitution, for the expression “paragraph (a)”, of the expression “paragraph (aa)”, and

(b) in the proviso to that sub-section, by the substitution, for the expression “paragraphs (a) and (b)”, of the expression “paragraphs (aa) and (b)”.

5. Section 82 of the principal enactment is hereby amended by the insertion, immediately after

Amendment of section 82 of the principal enactment.

sub-section (1) of that section, of the following sub-section:—

“(1A) Any person carrying out any work to which sub-section (1) applies shall, not later than seven days after the beginning thereof, serve on the inspector for the district a written notice stating the name and postal address of the person so carrying out the work, the place and nature of the work, whether any mechanical power is used, and, if so, its nature, and such other particulars as may be prescribed.”.

Replacement of section 88 of the principal enactment.

6. Section 88 of the principal enactment is hereby repealed and the following section is substituted therefor:—

“Notice of use of mechanical power.”

88. The occupier of a factory shall not commence to use mechanical power in such factory unless he has, at least one month before the date on which it is intended to commence the use of such power in such factory, served a written notice on the chief inspector or the inspector for the district stating the nature of such power and specifying such date:

Provided that such occupier may, after serving such notice, commence to use such power in such factory on a date earlier than that specified in such notice if he has obtained written permission to do so from the chief inspector or the inspector for the district.”.

Replacement of section 96 of the principal enactment

7. Section 96 of the principal enactment is hereby repealed and the following section is substituted therefor:—

“Administration of the Ordinance.”

96. (1) The Commissioner of Labour shall be the officer in charge of the administration of this Ordinance.

(2) Subject to any general or special directions of the Commissioner, any Deputy or Assistant Commissioner of Labour, the chief inspector or any inspector may exercise, perform or discharge any power, duty or function of the Commissioner under this Ordinance or under any regulation made thereunder.”.

8. Section 99 of the principal enactment is hereby amended as follows:—

Amendment of section 99 of the principal enactment.

- (1) in sub-section (1) of that section, by the substitution, in paragraph (a) of that sub-section, for the words “a factory, and every”, of the following:—

“any premises which are stated in a notice under section 2 to be intended to be used as a factory, and any factory and every”; and

- (2) by the insertion, immediately after sub-section (2) of that section, of the following sub-section:—

“(2A) A person who has served a notice under section 2, his agents and servants, shall furnish the means required by any officer referred to in sub-section (1) as necessary for entering, inspecting or examining the premises stated in that notice to be intended to be used as a factory.”.

9. Section 125 of the principal enactment is hereby amended, in sub-section (1) of that section, as follows:—

Amendment of section 125 of the principal enactment.

- (1) by the insertion, immediately after the definition of “class or description”, of the following new definition:—

““Commissioner” means the Commissioner of Labour;”; and

- (2) by the insertion, immediately after the definition of “maintained”, of the following new definition:—

““occupier”, in relation to a factory, means the person who has ultimate control over the affairs of the factory, and where the control of such affairs is entrusted to a managing agent, includes such managing agent;”.

6 *Factories (Amendment) Act, No. 54 of 1961*

Substitution
of the word
"Commis-
sioner" for
the word
"Registrar"
in the
principal
enactment.

10. In the principal enactment, for the word "Registrar", wherever that word occurs in that enactment, the word "Commissioner" is hereby substituted.