

I assent

W. L. HEAPE,

Officer Administering
the Government.

29th July, 1949.

ORDINANCE No. 14 OF 1949.

A.D. 1949 AN ORDINANCE to amend the Factories Ordinance, 1947, with respect to the application of the Ordinance to machinery and ship repairing, the power of the Commissioner to enter and inspect and examine ships, hours of work, offences and penalties, the notification of accidents, and the regulation of steam boilers, and for purposes connected with the matters aforesaid.

[30th July, 1949.]

Be it enacted by the Governor of British Guiana, with the advice and consent of the Legislative Council, as follows:—

Short title.
No. 30 of
1947.

1. This Ordinance may be cited as the Factories (Amendment) Ordinance, 1949, and shall be construed with the Factories Ordinance, 1947, hereinafter referred to as the Principal Ordinance.

Amend-
ment of
section 2
(1) of the
Principal
Ordinance.

2. The definition of "machinery" in subsection (1) of section two of the Principal Ordinance is hereby amended—

(a) by the deletion of paragraph (viii); and

(b) by the substitution therefor of the following paragraphs—

"(viii) any plant or apparatus used to generate, purify, mix, heat, or cool any fume, gas or vapour; and

(ix) any driving belt;"

Amend-
ment of
section 3 of
the Princi-
pal Ordinance.

3. Section three of the Principal Ordinance is hereby amended—

(a) by the substitution for the words "re-fuelling any ship or vessel" in paragraph (a) of subsection (1), of the words "re-fuelling or repairing any ship or vessel";

(b) by the repeal of subsection (2) and the substitution therefor of the following—

"(2) This Ordinance applies to factories belonging to or in the occupation of the Crown or the Colony, to prescribed occupations managed or carried on by or on behalf of the Crown or the Colony, and to building operations and works of engineering construction undertaken by or on behalf of the Crown or the Colony:

Provided that in case of any public emergency the Governor may by Order published in the *Gazette* from time to time and to

the extent and during the period specified in the Order exempt from the provisions of this Ordinance any factory belonging to or in the occupation of the Crown or the Colony, any factory in respect of work which is being done on behalf of the Crown or the Colony, any prescribed occupation managed or carried on by or on behalf of the Crown or the Colony, and any building operations and works of engineering construction undertaken by or on behalf of the Crown or the Colony."

4. Sections six and seven of the Principal Ordinance are hereby repealed and the following substituted therefor —

6. Any person who intends to erect or to cause to be erected a new factory or any new building appurtenant to an existing factory shall, before the erection of such factory or building is commenced, give notice in writing to the Commissioner of his intention as aforesaid, and shall furnish the Commissioner with such information in writing and such plans drawings and documents as the Commissioner may in any case require.

Repeal and re-enactment of section 6 and 7 of the Principal Ordinance.

Application for registration of change in particulars registered.

7. Where any change takes place in any of the particulars registered under subsection (3) of section five, the owner occupier or manager for the time being of the factory to which the particulars relate shall, within thirty days after the date upon which the change takes place, make application to the Commissioner for the registration of the change, and the Commissioner shall amend the register of factories accordingly and issue to the applicant a certificate of registration of the change as aforesaid."

5. Paragraph (d) of subsection (1) of section ten of the Principal Ordinance is hereby repealed and the following substituted therefor —

Repeal and re-enactment of section 10 (1) (d) of the Principal Ordinance.

"(d) to enter any ship or vessel in any dock or harbour or at any wharf, quay or stelling and make such inspection and examination as he may deem fit;"

6. Subsection (1) of section twenty-one of the Principal Ordinance is hereby repealed and the following substituted therefor —

Repeal and re-enactment of section 21 (1) of the Principal Ordinance.

"(1) Where any accident occurs in a factory or in any prescribed occupation which —

(a) causes loss of life to a person employed in that factory or occupation; or

(b) disables any person employed in that factory or occupation for more than three days from earning full wages at the work at which he was employed, —

notice in writing, in the prescribed form and accompanied by the prescribed particulars, of such accident

as aforesaid (in this Ordinance referred to as a "notifiable accident") shall be sent to the Commissioner —

- (i) where the accident occurs in a factory, by the occupier, and
- (ii) where the accident occurs in a prescribed occupation, by the employer —

within twenty-four hours after the notifiable accident comes to the knowledge of the occupier or of the employer, as the case may be."

Insertion of new section 29A in the Principal Ordinance.

7. The Principal Ordinance is hereby amended by the insertion, in Part VI after section twenty-nine, of the following new section —

"Power of exemption conferred on Governor in Council.

29A. (1) The Governor in Council may by Order exempt from the provisions of this Part of this Ordinance, or any of them, any factory or part of a factory or any particular occupation in a factory.

- (2) An Order may be made under this section —
 - (a) for a limited period or without limit of period;
 - (b) in relation to any area or to any class of factory or to any particular factory or to any particular occupation in a factory;
 - (c) excepting from the operation of the Order any class of factory or any particular factory or any particular occupation in a factory within an area;
 - (d) subject to such conditions as the Governor in Council may deem fit, —

and the Order may contain such supplemental and consequential provisions as the Governor in Council considers necessary for giving full effect to the Order."

Insertion of new section 30A in the Principal Ordinance.

8. The Principal Ordinance is hereby amended by the insertion in Part VII after section thirty, of the following new section —

"Penalty for breach of regulations.

30A. There may be annexed to the breach of any regulation made under this Ordinance such penalty not exceeding five hundred dollars as may be prescribed, and such penalty may be sued and recovered under the Summary Jurisdiction Ordinances."

Repeal and re-enactment of section 33 of the Principal Ordinance.

9. Section thirty-three of the Principal Ordinance is hereby repealed and the following substituted therefor —

"Offences. 33. (1) Any person who —

- (a) being the owner, occupier, or manager of a factory fails within the time limited by section five to make application to the Commissioner for the registration of such factory; or
- (b) fails to give notice to the Commissioner as required by section six; or

- (c) fails to furnish the Commissioner within a reasonable time, with the information required by him under section six; or
- (d) being the owner occupier or manager of a factory contravenes or fails to comply with the provisions of section seven; or
- (e) obstructs the Commissioner or an Inspector in the execution of his powers duties or functions under this Ordinance; or
- (f) is the occupier of a factory in which an obstruction under paragraph (e) of this subsection takes place, —

shall be guilty of an offence, and on summary conviction thereof shall be liable to a penalty not exceeding two hundred and fifty dollars.

(2) Any person who —

- (a) wilfully delays the Commissioner or an Inspector in the exercise of any power under section ten; or
- (b) fails to comply with any requirement of the Commissioner or an Inspector in pursuance of section ten; or
- (c) fails to produce any register, certificate notice or document which he is required by or in pursuance of this Ordinance to produce; or
- (d) wilfully withholds any information as to who is the occupier of any factory, or as to who is the employer in the case of a prescribed occupation; or
- (e) conceals or prevents, or attempts to conceal or prevent, a person from appearing before or being examined by the Commissioner or an Inspector, —

shall be deemed to obstruct the Commissioner or an Inspector in the execution of his duties under this Ordinance.

(3) Any person who —

- (a) obstructs an examining surgeon in the exercise of his powers under section thirteen;
- (b) being the occupier of a factory, fails to comply with the requirements of a notice under subsection (1) of section fourteen;
- (c) being the occupier of a factory, contravenes or fails to comply with any requirement of a notice under section eighteen; or
- (d) contravenes the provisions of subsection (1) of section nineteen; or

- (e) contravenes or fails to comply with any requirement of a notice under subsection (2) of section nineteen; or
- (f) contravenes or fails to comply with any of the provisions of section twenty; or
- (g) being the occupier of a factory or the employer in respect of a prescribed occupation, fails to send to the Commissioner the notice of accident required by subsection (1) of section twenty-one or the notice of death required by subsection (2) of section twenty-one; or
- (h) being the occupier of a factory, fails to comply with the provision as to an interval for rest approved by the Commissioner under section twenty-seven; or
- (i) being the occupier of a factory, contravenes or fails to comply with any of the provisions of section thirty-nine; or
- (j) being the occupier of a factory, fails to comply with any requirement of the Commissioner under section forty; or
- (k) being the occupier of a factory, fails to comply with any of the provisions of section forty-one, —

shall be guilty of an offence, and on summary conviction thereof shall be liable to a penalty not exceeding two hundred and fifty dollars, and in the case of a continuing offence shall be liable to a penalty not exceeding ten dollars for every day upon which such offence continues after conviction.

Amend-
ment of
second
schedule to
the Princi-
pal Ordin-
ance.

10. The second schedule to the Principal Ordinance shall have effect as if the following were deleted therefrom —

"Cap. 76. No. 2 of 1942	Labour Ordinance, 1942	Steam Boilers Regulation Ordinance. The whole." Sections 31 and 32, and the words "and in such cases the notice to be given by the employer shall be given by such person as the Governor may direct" in section 34."
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Substitu-
tion of new
section 46
of the
Principal
Ordinance.

11. Section forty-six of the Principal Ordinance shall have effect as if the following were substituted therefor —

"Com-
mence-
ment.
46 (1) Subject to the provisions of this section, this Ordinance shall come into operation on such date as the Governor may by Proclamation published in the Gazette appoint.

(2) Proclamations under this section may from time to time be published in respect of such provisions of this Ordinance as are specified in any such Proclamation, and, with respect to such provisions, this Ordin-

ance shall come into operation on the date appointed by the Proclamation to which such provisions relate.”

12. (1) Subject to the provisions of this section, this Ordinance shall come into operation on such date as the Governor may by Proclamation published in the *Gazette* appoint.

(2) Proclamations under this section may from time to time be published in respect of such provisions of this Ordinance as are specified in any such proclamation, and, with respect to such provisions, this Ordinance shall come into operation on the date appointed by the Proclamation to which such provisions relate.

Commence-
ment of
this Ordinance.