

## HOUSE OF REPRESENTATIVES

# Supplementary Order Paper

Thursday, 2 July 1981

### *Proposed Amendments*

#### FACTORIES AND COMMERCIAL PREMISES BILL

HON. MR BOLGER, in Committee, to move the following amendments:

*Clause 2 (1)*: To omit the definition of the term “fire-safety certificate”.

To amend the definition of the term “hotel” by omitting the words “or a tavern”, and substituting the words “, a tavern premises licence, or a tourist-house”.

To omit the definition of the term “local authority”, and substitute the following definition:

“Local authority”, in relation to an undertaking, means the territorial authority (within the meaning of the Local Government Act 1974) in whose district that undertaking is situated:.

*Clause 4 (2)*: To omit the words “subsections (6) and (9)”, and substitute the words “subsection (9)”.

*Clause 5 (1A)*: To omit the words “section 61”, and substitute the words “sections 61 and 61A”.

*Part IV*: To omit Part IV.

*Clause 30*: To insert, after subclause (1), the following subclause:

(1A) The occupier of an undertaking shall ensure that, while workers are actually working in any room in the undertaking,—

(a) Every door of the room; and

(b) Every door of any passage or staircase leading to the room or serving as a means of entrance to or egress from the room; and

(c) The outer or entrance door by which workers employed in the undertaking usually enter or leave the undertaking,—

whether or not the door is part of the undertaking, is kept clear and unlocked, so as to allow quick and easy egress.

*New clause 34A:* To insert, after clause 34, the following clause:

**34A. White phosphorus not to be used in manufacture of matches**—The occupier of a factory shall ensure that the substance usually known as white phosphorus or yellow phosphorus is not used in the manufacture of matches in that factory.

Cf. 1910, No. 4, s. 4(1)

*Clause 59B:* That for clause 59B there be substituted the following clause:

**59B. Proof of codes of practice**—Without affecting any other method of proof, the production in any proceedings of a copy of any code of practice purporting to be issued by the Chief Inspector shall, in the absence of proof to the contrary, be sufficient evidence that it has been issued under the authority of section 59 of this Act and that it has been approved by the Minister under section 59A of this Act.

*New clause 61A:* To insert, after clause 61, the following clause—

**61A. Inspector to notify local authority of fire-safety defects**—Where an Inspector believes that defects or dangers in the organisation or management of, or in any arrangement, situation, process, or thing in, an undertaking constitute an unacceptable risk that—

- (a) Fire will break out in or about that undertaking; or
- (b) Any fire breaking out in or about that undertaking will be incapable of being promptly brought under control; or
- (c) Any fire breaking out in or about that undertaking will endanger the life or health of any person employed in or about that undertaking,—

he shall forthwith, by notice in writing, give to the appropriate local authority details of those defects or dangers.

*Clause 67 (1):* To omit the words “any of Parts III to V”, and substitute the words “Part III or Part V”.

*Clause 78 (1):* To insert in proposed new section 22A of the Health Act 1956, after the words “every Inspector”, the words “of Health”.

#### EXPLANATORY NOTE

The proposed amendments fall into 2 categories. The amendments to *clauses 2* (other than that omitting the definition of the term “fire-safety certificate”), 4, 59B, and 78 are minor drafting changes. The other amendments involve the omission of *Part IV* of the Bill, the placement of 2 provisions of that Part in other Parts, the consequential insertion of a new *clause 61A*, and some consequential amendments.

*Part IV* comprises *clause 19*, which relates to the use of white phosphorus in factories; and *clauses 19A to 19C*, which relate to fire-safety certificates in factories. It is proposed that *clause 19* be placed in *Part V* as *clause 34A*, and that *clauses 19A to 19C* be omitted except for *clause 19B (2)*, which is proposed to be expanded to apply to all undertakings and inserted in *clause 30* as *subclause (1A)*. The result of the omission is that fire-safety in undertakings will for the most part become a matter for the local authorities in whose districts they are situated. However it is proposed to insert a new *section 61A* requiring Inspectors of Factories to inform the appropriate local authority of fire-safety defects of which they become aware.