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NIGERIA
FACTORIES ACT
(No. 16 of 1987)

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SCHEDULES

An Act to provide for the registration, etc. of factories; to provide for factory workers and a wider spectrum of workers and other professionals exposed to occupational hazards, but for whom no adequate provisions had been formerly made; to make adequate provisions regarding the safety of workers to which the Act applies and to impose penalties for any breach of its provisions.

PART I - REGISTRATION OF FACTORIES

1. Register of factories. The Director of Factories shall keep a register of factories in which he shall cause to be entered, such particulars in relation to every factory required to be registered under this Act, as he may consider necessary or desirable.

2. Registration of existing factories.

(1) Every person who at the commencement of this Act occupies a factory shall, within one month after such commencement, apply for the registration of such factory to the Director of Factories by completing the Application Form prescribed in the First Schedule to this Act.

(2) Upon receipt of the application in subsection (1) of this section, the Director of Factories shall cause the factory to be registered and shall issue to the occupier a certificate of registration in the form set out in the Second Schedule to this Act.

3. Registration of new factories.

(1) Before any person occupies or uses as a factory any premises which were not so occupied or used by him at the commencement of this Act, he shall apply for the registration of such premises by sending to the Director of Factories an application containing the particulars set out in the First Schedule to this Act.

(2) Upon receipt of such application and on being satisfied that the premises are suitable for use as a factory of the nature stated in the application, the Director of Factories shall cause the premises to be registered and shall issue to the applicant a certificate of registration in the form set out in the Second Schedule to this Act.

(3) An application under this section shall be filed with the Director of Factories at least six months before the commencement of actual construction of a building or structures intended to be used as a factory.

(4) Any person who -

- (a) not having been issued a certificate of registration as aforesaid occupies or uses as a factory any premises which have not been registered as a factory; or
- (b) having been issued a certificate of registration of a factory as aforesaid occupies or uses as a factory any premises which were not so registered as a factory,

shall be guilty of an offence.

(5) Any person who commits an offence under subsection (4) of this section shall be liable on conviction to a fine not exceeding N2,000 or to imprisonment for 12 months or to both such fine and imprisonment and if the contravention is continued after conviction, the person shall be guilty of a further offence and liable on conviction in respect thereof to a fine not exceeding N100 or to imprisonment not exceeding 14 days for each day on which the offence was so continued.

(6) Where the Director of Factories refuses to issue a certificate of registration under this section he shall, if so requested by the applicant, state in writing the grounds of such refusal.

4. Notification of change in particulars furnished. If, at any time after an application has been sent to the Director of Factories in pursuance of the provisions of section 2 or 3 of this Act, any change occurs with respect to the particulars set out in the application, the occupier of the premises to which the application relates shall forthwith inform the Director of Factories, in writing, of such change, and, if he fails to do so, he shall be guilty of an offence under this Act.

5. Appointment of Factories Appeal Board.

(1) Subject to the provisions of subsections (2) and (3) of this section, the Minister may, by notice in the Gazette appoint such persons as he thinks fit to constitute a Factories Appeal Board (hereafter in this Act referred to as "the Board") for the purpose of hearing and determining any appeal that may be submitted to it under the provisions of section 6 of this Act.

(2) If the Minister deems it expedient that a person holding office in the public service of the Federation should be appointed to the Board, the Minister shall so inform the President, Commander-in-Chief of the Armed Forces who may, if he thinks fit, appoint a person holding office as aforesaid to the Board.

(3) The Board shall consist of a Chairman and not less than four other members, and the Chairman shall be a legal practitioner who has been so qualified for not less than ten years.

(4) The Minister may make regulations governing the procedure of the Board and, in the absence of any such regulations, the Board shall determine its own procedure.

6. Appeal to Board from decision of Director of Factories.

(1) If any person is aggrieved by a decision of the Director of Factories under the provisions of this Part of this Act, he may, within thirty days from the date of such decision, send to the Chairman of the Board and to the Director of Factories written notice of his intention to appeal to the Board against the decision, and such notice shall state the grounds of appeal.

(2) On receipt of such written notice as aforesaid, the Chairman of the Board shall appoint a day and place for the hearing of the appeal, and shall notify the parties concerned in the appeal.

(3) For the purposes of subsection (2) of this section, the Director of Factories shall be a party concerned in the appeal and he as well as the appellant shall be entitled to appear and be heard before the Board at the hearing of such appeal, and may be represented thereat by a legal practitioner.

(4) The Board, may, on hearing the appeal, confirm, vary or reverse the decision of the Director of Factories and the decision of the Board shall be final.

PART II - HEALTH (GENERAL PROVISIONS)

7. Cleanliness.

(1) Every factory shall be kept in a clean state, and free from effluvia arising from any drain, sanitary convenience or nuisance, and without prejudice to the generality of the foregoing provision -

- (a) accumulations of dirt and refuse shall be removed daily by a suitable method from the floors and benches of workrooms, and from the staircases and passages;

- (b) the floor of every workroom shall be cleaned at least once in every week by washing or, if it is effective and suitable, by sweeping or other method;
- (c) all inside walls and partitions, and all ceilings or tops of rooms; and all walls, sides and tops of passages and staircases shall -
 - (i) where they have a smooth impervious surface, at least once in every period of twelve months be washed with hot water and soap or cleaned by other suitable method,
 - (ii) where they are kept painted with oil paint or varnished, be repainted or re-varnished at least once in every period of five years, and at least once in every period of twelve months be washed with hot water and soap or cleaned by other suitable method,
 - (iii) in the other cases, be kept whitewashed or colour washed, and the whitewashing or colour washing shall be repeated at least once in every period of twelve months.

(2) Where it appears to the Director of Factories that in any class or description of factory or part thereof any of the provisions of subsection (1) of this section are not required for the purpose of keeping the factory in a clean state or are by reason of special circumstances inappropriate or inadequate for such purpose, he may, by order published in the Gazette direct that those provisions shall not apply to factories or parts of factories, of that class or description, or shall apply as varied by the order.

8. Overcrowding.

(1) A factory shall not, while work is carried on therein, be so overcrowded as to cause risk or injury to the health of the persons employed therein.

(2) Without prejudice to the generality of the foregoing provisions, a factory shall be deemed to be so overcrowded as aforesaid if the number of persons employed at a time in any workroom is such that the amount of cubic space allowed for every person employed is less than four hundred cubic feet.

(3) Every workroom shall not be less than nine feet in height, measured from the floor to the lowest point of the ceiling or, where there is no ceiling, to the lowest point of the roofing material.

(4) If the Director of Factories is satisfied that owing to the special conditions under which the work is carried on in any workroom, the application of the provisions of subsection (2) or (3) of this section to that workroom would be inappropriate or unnecessary, he may by a certificate in writing exempt the workroom from those provisions subject to any conditions specified in the certificate.

(5) If an inspector so requires, there shall be posted in the workroom a notice specifying the number of persons, who, having regard to the provisions of this section, may be employed in that room.

(6) In calculating for the purposes of this section the amount of cubic space in any room, no space more than four metres from the floor shall be taken into account, and, where a room contains a gallery, the gallery shall be treated for the purposes of this section as if it were partitioned off from the remainder of the room and formed a separate room.

(7) The Minister may make regulations as respects any class or description of factory or parts thereof or any process, increasing the number of cubic metre which shall under this section be allowed for every person employed in a workroom.

9. Ventilation.

(1) Effective and suitable provision shall be made for securing and maintaining by the circulation of fresh air in each workroom the adequate ventilation of the room.

(2) The Minister may make regulations specifying a standard of adequate ventilation for factories or for any class or description of factory or parts thereof.

10. Lighting.

(1) Effective provision shall be made for securing and maintaining sufficient and suitable lighting, whether natural or artificial, in every part of a factory in which persons are working or passing.

(2) All glazed windows and skylights used for the lighting of workrooms shall, so far as practicable, be kept clean on both the inner and outer surfaces and free from obstruction, provided that this subsection shall not affect the whitewashing or shading of windows and skylights for the purpose of mitigating heat or glare.

(3) The Minister may make regulations specifying a standard of suitable and sufficient lighting for factories or for any class or description of factory or parts thereof, or for any process.

11. Drainage of floors. Where any process is carried on which renders the floor liable to be wet to such an extent that the wet is capable of being removed by drainage, effective means shall be provided and maintained for draining off the wet.

12. Sanitary conveniences.

(1) Sufficient and suitable sanitary conveniences for the persons employed in the factory shall be provided, maintained and kept clean, and effective provision shall be made for lighting the conveniences and, where persons of both sexes are or are intended to be employed (except in the case of factories where the only persons employed are members of the same family dwelling there), such conveniences shall afford proper separate accommodation for persons of each sex.

(2) The Minister may make regulations determining for factories or for any class or description of factory what is sufficient and suitable provision for the purposes of this section.

13. Duty of inspector as to sanitary defects remediable by local authority.

(1) Where an inspector finds any act or default in relation to any drain, sanitary convenience or water supply or any nuisance or other matter in a factory which appears to him to be the concern of any local government under any law, he shall give notice thereof in writing to the local government council.

(2) If a period of three months has elapsed since the giving of such notice to the local government council concerned and the nuisance remains unabated, the inspector shall

take such action as he deems necessary to abate the nuisance, and the owner or occupier of the premises shall bear the cost thereof.

PART III - SAFETY (GENERAL PROVISIONS)

14. Prime movers.

(1) Every flywheel directly connected to any prime mover and every moving part of any prime mover, except any prime mover mentioned in subsection (3) of this section, shall be securely fenced, whether the flywheel or prime mover is situated in an engine-house or not.

(2) The head and tail race of every water wheel and of every water turbine shall be securely fenced.

(3) Every part of any electric generator, motor or rotary converter, and every flywheel directly connected thereto, shall be securely fenced unless it is in such a position or of such construction as to be as safe to every person employed or working on the premises as it would be if securely fenced.

15. Transmission machinery.

(1) Every part of any transmission machinery shall be securely fenced unless it is in such position or of such construction as to be as safe to every person employed or working on the premises as it would be if securely fenced.

(2) Efficient devices or appliances shall be provided and maintained in every room or place where work is carried on by which the power can promptly be cut off from the transmission machinery in that room or place.

(3) No driving-belt when not in use shall be allowed to rest or ride upon a revolving shaft which forms part of any transmission machinery.

(4) Suitable striking gear or other efficient mechanical appliances shall be provided and maintained and used to move driving-belts to and from fast and loose pulleys which form part of the transmission machinery, and such gear or appliances shall be constructed, placed and maintained as to prevent the driving-belt from creeping back on to fast pulley.

(5) The Director of Factories may by certificate in writing grant, subject to any conditions specified in the certificate, exemption from compliance with any of the requirements of subsections (2), (3) and (4) of this section in any case where he is satisfied that compliance with the requirement is unnecessary or impracticable.

16. Powered machinery.

(1) Every power driven machine having its individual sources of power shall be provided with an efficient starting and stopping appliance or control.

(2) Every electrical equipment or appliance intended for use in a factory shall be of such construction as to be safe for use by all persons required to use same or who come into contact with same and shall be maintained at all times in a safe condition.

17. Other machinery.

(1) Every dangerous part of any machinery, other than prime movers and transmission machinery, shall be securely fenced unless it is in such a position or of such construction as to be as safe to every person employed or working on the premises as it would be if securely fenced, provided that, in so far as the safety of a dangerous part of any machinery cannot by reason of the nature of the operation be secured by means of a fixed guard, the requirements of this subsection shall be deemed to have been complied with if a device is provided which in the opinion of the Director of Factories satisfactorily protects the operator or other persons from coming into contact with that part.

(2) Any part of a stock-bar which projects beyond the headstock of a lathe shall be securely fenced unless it is in such a position as to be as safe to every person employed or working on the premises as it would be if securely fenced.

18. Provisions as to unfenced machinery.

(1) In determining, for the purposes of the foregoing provisions of this Part of this Act, whether any part of any machinery is in such a position or of such construction as to be as safe to every person employed or working on the premises as it would be if securely fenced -

(a) no account shall be taken of any person carrying out, while the part of machinery is in motion, an examination thereof or any lubrication or adjustment shown by such examination to be immediately necessary, being an examination, lubrication or adjustment which it is necessary to carry out while the part of machinery is in motion; and

(b) in the case of any part of transmission machinery used in any process in any factory with respect to which the Director of Factories has declared, by certificate in writing, that he is satisfied that, owing to the continuous nature of such process, the stopping of that part would seriously interfere with the carrying on of the process in such factory, no account shall be taken of any person carrying out in the factory by such methods and in such circumstances and subject to such conditions as may be specified in the certificate, any lubrication or any mount-in or shipping of belts.

(2) The provisions of this section shall only apply where -

- (a) the examination, lubrication or other operation as aforesaid is carried out by a male person who -
 - (i) has attained the apparent age of eighteen years,
 - (ii) has been appointed by the occupier of the factory, by certificate attached to the general register, to carry out such examination, lubrication or other operation, and has been furnished by the occupier with a copy of such certificate signed by him,
 - (iii) has been sufficiently trained for the purposes of the work entailed by, and is acquainted with the dangers of moving machinery arising in connection with, such examination, lubrication or other operation, and
 - (iv) has been provided by the occupier with and is wearing a close fitting single piece overall suit in good repair, which is fastened by means having no exposed loose ends and has no external pockets other than a hip pocket;

- (b) another person, instructed as to the steps to be taken in case of emergency, is immediately available within sight or hearing of any person carrying out such examination, lubrication or other operation;
- (c) such steps as may be necessary, including where appropriate and reasonably practicable the erection of a barrier, are taken to prevent any person, other than a person carrying out the operation, from being in a position where he is exposed to risk of injury from the machinery; and
- (d) any ladder in use for the carrying out of such examination, lubrication or other operation is securely fixed or lashed, or is firmly held by a person stationed at the foot of the ladder.

19. Construction and maintenance of fencing. All fencing or other safeguards provided in pursuance of the foregoing provisions of this Part of this Act shall be of substantial construction, and constantly maintained and kept in position while the parts required to be fenced or safeguarded are in motion or in use, except when any such parts are necessarily exposed for examination and for any lubrication or adjustment shown by such examination to be immediately necessary, and all the conditions specified in section 18(2) of this Act are complied with.

20. Construction and disposal of new machinery.

(1) In the case of any machine in a factory being a machine intended to be driven by mechanical power -

- (a) every set-screw, bolt or key on any revolving shaft, spindle, wheel or pinion shall be so sunk, encased or otherwise effectively guarded as to prevent danger; and
- (b) all spur and other toothed or friction gearing, which does not require frequent adjustment while in motion, shall be completely encased unless it is so situated as to be safe as it would be if completely encased.

(2) Any person who manufactures, assembles, sells or lets on hire or who as an agent of the manufacturer, assembler, seller or hirer causes or procures to be sold or let on hire for use in a factory in Nigeria, any machine intended to be driven by mechanical power which does not comply with the requirements of this section shall be guilty of an offence and liable on conviction to a fine not exceeding N5,000.

(3) The Minister may by order published in the Gazette extend the provisions of this section to such other dangerous part of machinery or plant as may be specified in the order.

21. Vessels containing dangerous liquids.

(1) Every fixed vessel, structure, sump or pit of which the edge is level with or less than ninety-one centimetres above the adjoining ground or platform shall, if it contains any scalding, corrosive or poisonous liquid, either be securely covered or be securely fenced to at least that height or where by reason of the nature of the work neither secure covering nor secure fencing to that height is practicable, all practicable steps shall be taken by covering, fencing or other means to prevent any person from falling into the vessel, structure, sump or pit.

(2) As respects any plant mentioned in subsection (1) of this section, a warning notice in English and in such Nigerian languages as an inspector may direct, indicating the nature of the danger, shall be marked on or attached to the plant or, if this is not reasonably practicable, be posted nearby.

22. Self-acting machines.

(1) No traversing part of any self-acting machine and no material carried thereon shall, if the space over which it runs is a space over which any person is liable to pass, whether in the course of his employment or otherwise, be allowed on its outward or inward traverse to run within a distance of forty-six centimetres from any fixed structure not being part of the machine.

(2) All practicable steps shall be taken by instructions to the person in charge of the machine to ensure that no person employed shall be in the space between any traversing part of a self-acting spinning mule and any fixed part of the machine towards which the traversing part moves on the inward run except when the machine is stopped with the traversing part on the outward run.

23. Training and supervision of inexperienced workers. No person shall be employed at any machine or in any process, being a machine or process liable to cause bodily injury, unless he has been fully instructed as to the dangers likely to arise in connection therewith and the precautions to be observed, and -

- (a) has received a sufficient training to work at the machine or in the process; or
- (b) is under adequate supervision by a person who has a thorough knowledge and experience of the machine or process.

24. Hoists and lifts.

(1) Every hoist or lift shall be of good mechanical construction, sound material and adequate strength, and be properly maintained.

(2) Every hoist or lift shall be thoroughly examined at least once in every period of six months by a person approved for the purpose of this section by the Director of Factories by a certificate in writing; and a report of the result of every such examination in the prescribed form and containing the prescribed particulars shall be signed by the person making the examination and shall within fourteen days be filed with the Director of Factories and also be entered in or attached to the general register.

(3) Every hoistway or liftway shall be efficiently protected by a substantial enclosure fitted with gates, being such an enclosure as to prevent, when the gates are shut, any person falling down the way or coming into contact with any moving part of the hoist or lift.

(4) Any such gate as aforesaid shall be fitted with efficient interlocking or other devices to secure that the gate cannot be opened except when the cage or platform is at the landing and that the cage or platform cannot be moved away from the landing until the gate is closed:

Provided that in the case of a hoist or lift not connected with mechanical powers, it shall be sufficient for the purpose of this subsection if the gate shall be kept closed and fastened except when the cage or platform is at rest at the landing.

(5) Every hoist or lift and every such enclosure as aforesaid shall be so constructed as to prevent any part of any person or any goods carried in the hoist or lift from being trapped between any part of the hoist or lift and any fixed structure or between the counter-balance weight and any other moving part of the hoist or lift.

(6) There shall be marked conspicuously on every hoist or lift the maximum working load which it can safely carry and no load greater than that load shall be carried on any hoist or lift.

(7) The following additional requirements shall apply to hoists and lifts used for carrying persons, whether together with goods or otherwise -

- (a) efficient automatic devices shall be provided and maintained to prevent the cage or platform overrunning;
- (b) every cage shall, on each side from which access is afforded to landing, be fitted with a gate, and in connection with every such gate efficient devices shall be provided to secure that, when persons or goods are in the cage, the cage cannot be raised or lowered unless the cage is closed, and will come to rest when the gate is opened;
- (c) where the platform or cage is suspended by rope or chain, there shall be at least two ropes or chains separately connected with the platform or cage, each rope or chain and its attachments being capable of carrying the whole weight of the platform or cage and its maximum working load, and efficient devices shall be provided and maintained which will support the platform or cage with its maximum working load in the event of a breakage of the ropes or chains or any other attachments.

(8) In the case of a hoist or lift not connected with mechanical power subsection (7) of this section shall not apply.

(9) For the purposes of this section, no lifting machine or appliance shall be deemed to be a hoist or lift unless it has a platform or cage the direction of movement of which is restricted by a guide or guides.

(10) If it is shown to the satisfaction of the Director of Factories that it would be unreasonable in the special circumstances of the case to enforce any requirement of this section in respect of any class or description of hoist, lift, hoistway or liftway, he may by notice published in the Gazette exempt from such requirements hoists, lifts, hoistways or liftways of that class or description; and any such exemption may be unqualified or may be subject to such conditions as may be contained in the notice.

25. Chains, ropes and lifting tackle.

(1) The following provisions shall be complied with as respects every chain, rope or lifting tackle used for the purpose of raising or lowering persons, goods or materials -

- (a) no chain, rope or lifting tackle shall be used unless it is of good construction, sound material, adequate strength and free from patent defect;
- (b) a table showing the safe working loads of every kind and size of chain, rope or lifting tackle in use, and, in the case of a multiple sling, the safe working load at different angles of the legs, shall be prominently displayed on the premises, so, however, that the foregoing provisions of this paragraph shall not apply in relation

- to any lifting tackle if the safe working load thereof or, in the case of a multiple sling, the safe working load at different angles of the legs, is plainly marked upon it;
- (c) no chain, rope or lifting tackle shall be used for any load exceeding the safe working load thereof as shown by the table aforesaid or marked upon it as aforesaid;
 - (d) all chains, ropes and lifting tackle in use shall be thoroughly examined at least once in every period of six months, or at such greater intervals as the Director of Factories may permit in any particular case, by a person approved for the purposes of this section by the Director of Factories by certificate in writing;
 - (e) no chain, rope or lifting tackle shall be taken into use in any factory for the first time in that factory unless it has been tested and thoroughly examined by a person approved by the Director of Factories for the purposes of this section as aforesaid and a certificate of such a test and examination, has been obtained; and a report for each chain, rope or lifting tackle in the prescribed form shall be filed with the Director of Factories and the certificate shall be kept available for inspection;
 - (f) every chain and lifting tackle, except a rope sling, shall, unless of a class or description exempted by the Director of Factories by notice published in the Gazette, be annealed at least once in every fourteen months, or, in the case of chains or slings of half-inch bar or smaller, or chains used in connection with molten metal or molten slag, in every six months, so however, that chains and lifting tackles not in regular use need be annealed only when necessary.

(2) In this section the expression "lifting tackle" means chain slings, rope slings, rings, hooks, shackles and swivels.

26. Cranes and other lifting machines.

(1) All parts and working gear whether fixed or movable, including the anchorage and fixing appliances of every lifting machine, shall be of good construction, sound material, adequate strength and free from patent defect, and shall be properly maintained.

(2) All such parts and gear as aforesaid shall be thoroughly examined at least once in every period of fourteen months and also after every substantial alteration or repair, by a person approved for the purposes of this section by the Director of Factories by certificate in writing.

(3) No lifting machine shall be taken into use in any factory for the first time in that factory unless it has been tested, and all such parts and working gear of the machine as are specified in subsection (1) of this section have been thoroughly examined, by a person approved by the Director of Factories for the purposes of this section as aforesaid and -

- (a) a certificate of such a test and examination specifying the safe working load or loads of the machines and signed by the person making the test and examination has been obtained; and
- (b) a report for each crane or lifting machine in the prescribed form has been filed with the Director of Factories, and the certificate shall be kept available for inspection,

(4) All rails on which a travelling crane moves and every track on which the carriage of a transporter or runway moves shall be of proper size and adequate strength, and have an

even running surface; and such rails or track shall be properly laid, adequately supported or suspended, and properly maintained.

(5) There shall be plainly marked on every lifting machine the safe working load or loads thereof, except that, in the case of a jib crane so constructed that the safe working load may be varied by the raising or lowering of the jib, there shall be attached thereto either an automatic indicator of safe working loads or a table indicating the safe working loads at corresponding inclinations of the jib or corresponding radii of the load.

(6) No lifting machine shall, except for the purpose of a test, be loaded beyond the safe working load as marked or indicated under subsection (5) of this section.

(7) If any person is employed or working on or near the wheel track of a self-propelled overhead travelling crane in any place where he would be liable to be struck by the crane, effective measures shall be taken to ensure that the crane does not approach within four metres of that place.

(8) A lifting machine shall not be operated except by a person trained and competent to operate that machine, except that it shall be permissible for such machine to be operated by a person who is under the direct supervision of a qualified person for the purpose of training; and no person under eighteen years of age shall be employed to operate any lifting machine driven by mechanical power to give signals to the operator of any such machine.

(9) In this section the expression "lifting machine" means a crane, crab, winch, teagle, pulley block, gin wheel, transporter or runway.

27. Register of chains, etc. and other lifting machines. A register, containing the particulars set out in Schedule 3 to this Act shall be kept in every factory with respect to all chains, ropes or lifting tackle to which section 25 of this Act applies, and with respect to all lifting machines to which section 26 of this Act applies.

28. Safe means of access and safe place of employment.

(1) All floors, steps, stairs, passages, gangways and other parts of a structure or building used as a factory shall be of sound construction and properly maintained and kept safe at all times and before the construction of any factory, the building plans and such other documents as the Director of Factories may require, shall be submitted to him for approval not less than six months before the commencement of such construction.

(2) All openings in floors shall be securely fenced, except in so far as the nature of the work renders such fencing impracticable.

(3) There shall, so far as is reasonably practicable, be provided and maintained in every factory safe means of access to every place at which any person has to be or work.

(4) For every staircase in a building or affording a means of exit from a building, a substantial hand-rail shall be provided and maintained, which, if the staircase has an open side, shall be on that side, and, in the case of a staircase having two open sides, such a hand-rail shall be provided and maintained on both sides; and any open side of a staircase shall also be guarded by the provision and maintenance of a lower rail or other effective means.

(5) All ladders shall be soundly constructed and properly maintained.

(6) Sufficient clear and unobstructed space shall be maintained at every machine while in motion to enable the work to be carried on without unnecessary risk.

(7) Where any person is to work at a place from which he will be liable to fall a distance more than two metres, then, unless the place is one which affords secure foothold and, where necessary, secure hand-hold means shall be provided so far as is reasonably practicable, by fencing or otherwise for ensuring his safety.

(8) Every teagle opening or similar doorway used for hoisting or lowering goods or materials, whether by mechanical power or otherwise, shall be securely fenced, and shall

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- (a) be provided with a secure hand-hold on each side of the opening or doorway; and
- (b) be properly maintained and shall, except when the hoisting or lowering of goods or materials is being carried on at the opening or doorway, be kept in position.

29. Precautions in places where dangerous fumes are likely to be present.

(1) Where work has to be done inside any chamber, tank, vat, pit or other confined place, in which dangerous fumes are likely to be present -

- (a) the Director of Factories shall be notified in writing, in the prescribed form, before the commencement of work;
- (b) the confined space shall be provided with adequate means of egress for persons entering or working therein; and
- (c) no person shall enter the confined space for any purpose unless -
 - (i) all practicable steps have been taken to remove any fumes which may be present and to prevent any ingress of fumes and, unless it has been ascertained by a suitable test that the space is free from dangerous fumes, the person entering shall wear a belt to which there is securely attached a rope of which the free end is held by a person outside, or
 - (ii) the person entering has worn a suitable breathing apparatus;
- (d) suitable breathing apparatus and suitable reviving apparatus and suitable belts and ropes shall be provided and maintained so as to be readily accessible; and
- (e) a sufficient number of the persons employed in the factory shall be trained and practised in the use of such apparatus and in the method of restoring respiration.

(2) Without prejudice to subsection (1) of this section, a person shall not enter or remain in any chamber, tank, vat, pit, pipe, flue or similar space for any purpose until it has been sufficiently cooled by ventilation or otherwise to make work safe and either -

- (a) he is ensured of a supply of air adequate for respiration and to render harmless any fumes; or
- (b) he is wearing a suitable breathing apparatus.

30. Precautions with respect to explosives or other inflammable dust, gas, vapour or substance.

(1) Where in connection with any grinding, sieving or other process giving rise to dust, gas or vapour there may escape into any workroom dust, gas or vapour of such a character and to such an extent as to be liable to explode on ignition, all practicable steps shall be taken to prevent such an explosion by enclosure of any plant used in the process, and by removal or prevention of accumulation of the dust, gas or vapour and by exclusion or effective enclosure of possible sources of ignition.

(2) Where there is present in any plant used in any such process as aforesaid dust, gas or vapour of such a character and to such an extent as to be liable to explode on ignition, then, unless the plant is so constructed as to withstand the pressure likely to be produced by any such explosion, all practicable steps shall be taken to restrict the spread and effects of such an explosion by the provision, in connection with the plant, of chokes, baffles and vents or other equally effective appliances.

(3) No plant, tank or vessel which contains or has contained any explosive or inflammable substance shall be subjected to any welding, brazing or soldering operation or to any cutting operation which involves the application of heat, until all practicable steps have been taken to remove the substance and any fumes arising therefrom or to render them non-explosive or non-inflammable; and if any plant, tank or vessel has been subjected to any such operation as aforesaid, no explosive or inflammable substance shall be allowed to enter the plant, tank or vessel until the metal has cooled sufficiently to prevent any risk of igniting the substance.

(4) The Director of Factories may by certificate in writing grant, subject to any conditions specified in the certificate, exemption from compliance with any of the requirements of subsection (3) of this section where he is satisfied that compliance with the requirements is unnecessary or impracticable.

31. Steam boilers.

(1) Every steam boiler and all its fittings and attachments shall be of good construction, sound material, adequate strength and free from patent defect and shall be properly maintained.

(2) Every steam boiler, whether separate or one of a range -

- (a) shall have attached to it -
 - (i) a suitable safety valve (separate from and incapable of being isolated by any stop-valve) which shall be so adjusted as to prevent the boiler being worked at a pressure greater than the maximum permissible working pressure and shall be fixed directly to, or as close as practicable to, the boiler,
 - (ii) a suitable stop-valve, connecting the boiler to the steam pipe, which shall be suitably lagged at all times,
 - (iii) a correct steam pressure gauge, connected to the steam space and easily visible by the boiler attendant, which shall indicate the pressure of steam in the boiler in kilograms per square centimetre and have marked upon it, in a distinctive colour, the maximum permissible working pressure,
 - (iv) at least one water gauge, of transparent material or other type approved by the Director of Factories, to show the water level in the boiler, and, if the gauge is of the glass tubular type and the working pressure in the boiler normally exceeds three kilograms per square centimetre, the gauge shall be

provided with an efficient guard but not so as to obstruct the reading of the gauge,

- (v) where it is one or two or more boilers, a plate bearing a distinctive number which shall be easily visible; and
- (b) shall be provided with means for attaching a test pressure gauge; and
- (c) shall be provided with a suitable fusible plug or an efficient low-water alarm device,

so however that sub-paragraph (ii) of paragraph (a) of this subsection shall not apply with respect to economisers, and sub-paragraphs (iii), (iv) and (v) of paragraph (a), and paragraphs (b) and (c), of this subsection shall not apply with respect to either economisers or superheaters.

(3) For the purposes of subsection (2) of this section, a lever-valve shall not be deemed a suitable safety valve unless the weight is secured on the lever in the correct position.

(4) Every steam boiler attendant shall be properly instructed as to his duties.

(5) No person shall enter or be in any steam boiler which is one of a range of two or more steam boilers unless -

- (a) all inlets through which steam or hot water might otherwise enter the boiler from any other part of the range are disconnected from that part; or
- (b) all valves or taps controlling such entry are closed and securely locked, and, where the boiler has a blow-off pipe in common with one or more other boilers or delivering into a common blow-off vessel or sump, the blow-off valve or tap on each such boiler is so constructed that it can only be opened by a key which cannot be removed until the valve or tap is closed and is the only key in use for that set of blow-off valves or taps.

(6) No work shall be permitted in any boiler-furnace until it has been sufficiently cooled by ventilation or otherwise to make work safe for the persons employed and the Director of Factories has been notified.

(7) Every steam boiler and all its fittings and attachments shall be thoroughly examined by an authorised boiler inspector at least once in every period of fourteen months, and also after any extensive repairs.

(8) The person making an examination under subsection (7) of this section may specify in writing a period exceeding fourteen months but not exceeding eighteen months within which the next examination is to be made.

(9) An examination under subsection (7) of this section shall consist in the first place, of an examination of the boiler when it is cold and the interior and exterior have been prepared in the prescribed manner, and secondly except in the case of an economiser or super-heater, of an examination when it is under normal steam pressure.

(10) The examination under steam pressure referred to in subsection (9) of this section shall be made as soon as possible after the examination of the boiler when cold, and the person making the examination shall ensure that the safety valve is so adjusted as to prevent the boiler being worked at a pressure greater than the maximum permissible working pressure.

(11) A report, signed by the person making the examination, of the result of every such examination, in the prescribed form and containing the prescribed particulars (including particulars of the maximum permissible working pressure), shall, as soon as practicable and in any case within twenty-eight days of the completion of the examination, be entered in or attached to the general register, and a certified true copy of the report shall be filed with the Director of Factories.

(12) No steam boiler which has previously been used shall be taken into use in any factory for the first time in that factory until it has been examined and reported on in accordance with subsections (7), (8), (9), (10) and (11) of this section.

(13) No new steam boiler shall be taken into use in any factory unless -

- (a) there has been obtained from an authorised boiler inspector a certificate specifying the maximum permissible working pressure of the steam boiler and stating the nature of the tests to which the steam boiler and fitting have been submitted;
- (b) the steam boiler is so marked as to enable it to be identified as boiler to which the certificate so obtained relates; and
- (c) the certificate so obtained is kept available for inspection and a certified true copy thereof is forthwith sent to the Director of Factories.

(14) Where the report of any examination under this section specifies conditions for securing the safe working of a steam boiler, the boiler shall not be used except in accordance with those conditions.

(15) The person making the report of any examination under this section shall within twenty-eight days of the completion of the examination send to the inspector of the district a certified true copy of the report in every case where the maximum permissible working pressure is reduced, or the examination shows that the boiler cannot continue to be used with safety unless certain repairs are carried out immediately or within a specified time.

(16) For the purposes of subsections (11), (12), (13), (14) and (15) of this section relating to reports of examinations, the examination of a boiler when it is cold and its examination when it is under steam pressure shall be treated as separate examinations.

(17) In this section -

"authorised boiler inspector" means any person (whether or not an officer in the civil service of the Federation or any State) who is authorised by the Director of Factories, by certificate in writing, to carry out examinations of steam boilers in accordance with, and for the purposes of this section and to issue the certificate referred to in subsection (13) of this section;

"maximum permissible working pressure" means, in the case of a new steam boiler, that specified in the certificate referred to in subsection (13) of this section, and, in the case of a steam boiler which has been examined in accordance with the provisions of this section, that specified in the report of the last examination.

(18) This section shall not apply to the boiler of any locomotive used on any railway or to the boiler of any ship.

32. Steam receivers and steam containers.

(1) Every steam receiver and all its fittings shall be of good construction, sound material, adequate strength, and free from patent defect, and shall be properly maintained.

(2) Every steam receiver, not so constructed and maintained as to withstand with safety the maximum permissible working pressure of the boiler or the maximum pressure which can be obtained in the pipe connecting the receiver with any other source of supply, shall be fitted with -

- (a) a suitable reducing valve or other suitable automatic appliance to prevent the safe working pressure of the receiver being exceeded;
- (b) a suitable safety valve so adjusted as to permit the steam to escape as soon as the safe working pressure is exceeded or a suitable appliance for cutting off automatically the supply of steam as soon as the safe working pressure is exceeded;
- (c) a correct steam pressure gauge, which shall indicate the pressure of steam in the receiver in kilogram per square centimetre;
- (d) a suitable stop-valve; and
- (e) except where only one steam receiver is in use, a plate bearing a distinctive number which shall be easily visible.

(3) The safety valve and pressure gauge referred to in subsection (2) of this section shall be fitted either on the steam receiver or on the supply pipe between the receiver and the reducing valve or other appliance to prevent the safe working pressure being exceeded.

(4) For the purposes of subsections (2) and (3) of this section, other than paragraph (e) of subsection (2), any set of receivers supplied with steam through a single pipe and forming part of a single machine may be treated as one receiver, and for the purposes of the said provisions except paragraph (d) and (e) any other set of receivers applied with steam through a single pipe may be treated as one receiver:

Provided that this subsection shall not apply to any such set of receivers unless the reducing valve or other appliance to prevent the safe working pressure being exceeded is fitted on the said single pipe.

(5) Every steam receiver and all its fittings shall be thoroughly examined by an authorised boiler inspector, so far as the construction of the receiver permits, at least once in every period of twenty-six months.

(6) A report, signed by the person making the examination, of the result of every such examination, in the prescribed form and containing the prescribed particulars (including particulars of the safe working pressure), shall be entered in or attached to the general register, and a certified true copy of the report shall be filed with the Director of Factories.

(7) No steam receiver which has previously been used shall be taken into use in any factory for the first time in that factory until it has been examined and reported on in accordance with subsections (5) and (6) of this section.

(8) No new steam receiver shall be taken into use in any factory unless -

- (a) there has been obtained from the manufacturer of the steam receiver or from an authorised boiler inspector a certificate specifying the maximum permissible working pressure of the steam receiver and stating the nature of the tests to which the steam receiver and fittings have been submitted;
- (b) the steam receiver is so marked as to enable it to be identified as the steam receiver to which the certificate so obtained relates; and
- (c) the certificate so obtained is kept available for inspection and a certified true copy thereof is forthwith sent to the Director of Factories.

(9) Every steam container shall be so maintained as to secure that the outlet is at all times kept open and free from obstruction.

(10) In this section -

"authorised boiler inspector" means any person (whether or not an officer in the civil service of the Federation or of any State) who is authorised by the Director of Factories, by certificate in writing, to carry out, examinations of steam receivers in accordance with and for the purposes of this section and issue the certificate referred to in subsection (8) (a) of this section;

"maximum permissible working pressure" has the same meaning as in section 31 of this Act:

"safe working pressure" means, in the case of a new steam receiver, that specified in the certificate referred to in subsection (8)(a) of this section, and, in the case of a steam receiver which has been examined in accordance with the provisions of this section, that specified in the report of the last examination;

"steam container" means any vessel (other than a steam pipe or coil) constructed with a permanent outlet into the atmosphere or into a space where the pressure does not exceed atmospheric pressure and through which steam is passed at atmospheric pressure or at approximately that pressure, for the purpose of heating, boiling, drying, evaporating, or other similar purpose;

"steam receiver" means any vessel or apparatus (other than a steam boiler, steam container, a steam pipe or coil or a part of a prime mover) used for containing steam under pressure greater than atmospheric pressure.

33. Air receivers.

(1) Every air receiver shall -

- (a) have marked upon it, so as to be plainly visible, the safe working pressure;
- (b) in the case of a receiver connected with an air compressing plant, either be so constructed as to withstand with safety the maximum pressure which can be obtained in the compressor, or be fitted with a suitable reducing valve or other suitable appliance to prevent the safe working pressure of the receiver being exceeded;
- (c) be fitted with a suitable safety valve so adjusted as to permit the air to escape as soon as the safe working pressure is exceeded;
- (d) be fitted with a correct pressure gauge indicating the pressure in the receiver in kilograms per square centimetre;

- (e) be fitted with a suitable appliance for draining the receiver;
- (f) be provided with a suitable manhole, handhole or other means which will allow the interior to be thoroughly cleaned; and
- (g) in a case where more than one receiver is in use in the factory, bear a distinguishing mark which shall be easily visible.

(2) For the purpose of subsection (1) of this section relating to safety valves and pressure gauges, any set of air receivers supplied with air through a single pipe may be treated as one receiver; but where a suitable reducing valve or other suitable appliance to prevent the safe working pressure being exceeded is required to be fitted, this subsection shall not apply unless the valve or appliance is fitted on the said single pipe.

(3) Every air receiver and its fittings shall be of sound construction and properly maintained.

(4) Every air receiver shall be thoroughly cleaned and examined at least once in every period of twenty-six months:

Provided that in the case of a receiver of solid drawn construction -

- (a) the person making any such examination may specify in writing a period exceeding twenty-six months but not exceeding four years within which the next examination is to be made; and
- (b) if it is so constructed that the internal surface cannot be thoroughly examined, a suitable hydraulic test of the receiver shall be carried out in lieu of internal examination.

(5) Every examination and test shall be carried out by an approved person and a report signed by the person making the examination or test, of the result of every such examination and test, in the prescribed form and containing the prescribed particulars (including particulars of the safe working pressure), shall be entered in or attached to the general register and certified true copies of the report and certificate shall be filed with the Director of Factories.

(6) In this section -

"air receiver" means -

- (a) any vessel (other than a pipe or coil or an accessory, fitting or part of a compressor) for containing compressed air and connected with an air compressing plant; or
- (b) any fixed vessel for containing compressed air or compressed exhaust gases and used for the purpose of starting an internal combustion engine;

"approved person" means any person (whether or not an officer in the civil service of the Federation or of any State) who is approved by the Director of Factories, by certificate in writing, for the purpose of carrying out examinations and tests of air receivers in accordance with, and for the purpose of this section;

"safe working pressure" means the pressure specified in the report of the last examination carried out in accordance with the provisions of this section.

(7) This section shall not apply to any air receiver forming part of the plant, machinery or equipment of any ship or to any air receiver on any locomotive, carriage, wagon or other rolling stock used on any railway for the haulage of goods or passengers.

34. Exception as to steam boilers, steam receivers and steam containers and air receivers.

The Director of Factories may, by notice published in the Gazette, except from any of the provisions of sections 31, 32 and 33 of this Act any class or type of steam boiler, steam receiver, steam container or air receiver to which he is satisfied that such provisions cannot reasonably be applied; and such exception may be unqualified or may be subject to such conditions as may be contained in the notice.

35. Prevention of fire.

(1) In every factory there shall be correctly installed, in appropriate places, effective means for detecting fire, and such means shall be provided and maintained, so as to be readily accessible, in the case of a manual device, for alerting occupants therein of the occurrence of a fire and for extinguishing same, which means shall be adequate, suitable and approved by the Director of Factories having regard to the circumstances of each factory.

(2) All stocks of highly inflammable substances shall be kept either in a fire-resisting store or in a safe place outside any building; provided that no such store as aforesaid shall be so situated as to endanger the means of escape from the factory or from any part thereof in the event of a fire occurring in the store.

(3) Every owner or occupier of a factory shall ensure that persons employed in the factory are adequately trained to enable them to operate the extinguishing apparatus provided in the said factory.

(4) The Director of Factories may impose such conditions as he may choose, in connection with -

- (a) any store or place used for the storage of highly inflammable substances; and
- (b) the training of persons employed in the factory in the operation of any extinguishing apparatus in the factory.

36. Safety provisions in case of fire.

(1) Every factory shall be provided with adequate means of escape in case of fire for the persons employed therein, having regard to the circumstances of each case.

(2) All such means of escape as aforesaid shall be properly maintained and kept free from obstruction.

(3) The contents of any room in which persons are employed shall be so arranged or disposed that there is a free passage-way for all persons employed in the room to a means of escape in case of fire.

(4) While any person is within a factory for the purpose of employment or meals, the doors of the factory, and of any room therein in which the person is and any doors which afford a means of exit for persons employed in the factory from any building or from any

enclosure in which the factory is situated, shall not be locked or fastened in such manner that they cannot be easily and immediately opened from the inside.

(5) All doors affording a means of exit from a factory for the persons therein shall, except in the case of sliding doors open outwards.

(6) Every hoistway or liftway inside a building shall, subject as hereafter in this subsection provided, be completely enclosed with fire-resisting materials, and all means of access to the hoist or lift shall be fitted with doors of fire-resisting materials; provided that any such hoistway or liftway shall be enclosed at the top only by some material easily broken by fire or be provided with a vent at the top.

(7) Every window, door or exit affording means of escape in case of fire or giving access thereto, other than the means of exit in ordinary use, shall be distinctively and conspicuously marked by a notice printed in red letters of an adequate size; all such notices shall be in such form, and in English and in such Nigerian languages, as an inspector may direct.

(8) In every factory effective steps shall be taken to ensure that all the persons employed are familiar with the means of escape in case of fire and the routine to be followed in case of fire.

37. Power of inspector to issue improvement notice. If the inspector is satisfied -

- (a) that any part of the way, work, machinery or plant, used in a factory is in such a condition or is so constructed or placed that it is likely to cause bodily injury; or
- (b) that any process or work is carried on or any thing is or has been done in any factory in such a manner as to constitute a risk of bodily injury,

the inspector shall issue an improvement notice stating clearly the danger complained of and requiring the occupier of the factory to take such steps as may be specified in the notice to remedy the danger.

38. Power of inspector to issue prohibition notice as to dangerous factory.

(1) If the inspector is satisfied that any factory or part of a factory is in such a condition or is so constructed or placed that any process or work carried on therein cannot be so carried on without undue risk to the safety and health of persons employed therein, the inspector shall by notice prohibit the use thereof for the purpose of that process or work.

(2) A notice issued by an inspector under this section may -

- (a) prohibit the carrying on of any process or work whether indefinitely or until such steps as may be specified in the notice have been taken to enable the process or work concerned to be carried on with due regard to the safety and health of persons employed therein; and
- (b) be revoked on the application of the occupier or owner of the factory after rectifying all the defects contained in the notice to enable the process or work to be carried on with due regard to the safety and health of persons employed therein.

39. Appeal against notice. Any person aggrieved by any notice issued under sections 37 and 38 of this Act, may appeal against such notice -

- (a) at first instance to the Minister; and
- (b) from the decision of the Minister under paragraph (a) of this section to the Federal High Court.

PART IV - WELFARE (GENERAL PROVISIONS)

40. Supply of drinking water.

- (1) An adequate supply of drinking water shall be provided and maintained at suitable points conveniently accessible to all persons employed.
- (2) A supply of drinking water which is not laid on shall be contained in suitable vessels, and shall be renewed at least daily, and all practicable steps shall be taken to preserve the water and vessels from contamination; and a drinking water supply (whether laid on or not) shall, in such cases as an inspector may direct, be clearly indicated by a notice in English and in such Nigerian languages as the inspector may require.
- (3) A supply of drinking water shall not be used for the purpose of washing up and a supply of water for washing up shall not be used as drinking water.
- (4) The location of drinking water shall be set apart from the location of water for washing up.

41. Washing facilities.

- (1) There shall be provided and maintained for the use of all persons employed adequate and suitable facilities for washing, which shall be conveniently accessible and shall be kept in clean and orderly condition.
- (2) The Director of Factories may, by certificate in writing, except from any of the requirements of subsection (1) of this section any factory where, by reason of the difficulty of obtaining an adequate supply of water or the fact that accommodation is restricted and adequate and suitable washing facilities are otherwise conveniently available, or such other special circumstances as may be specified in the certificate, the application of the requirement would in his opinion be unreasonable.
- (3) The Minister may by regulations specify, either generally or as respects any class or description of factory or as respects the persons employed in any process, a standard of adequate and suitable washing facilities.

42. Accommodation for clothing. There shall be provided and maintained for the use of all persons employed adequate and suitable accommodation for clothing not worn during working hours.

43. First-aid.

- (1) There shall be provided and maintained so as to be readily accessible a first-aid box or cupboard of the prescribed standard, and where more than one hundred and fifty persons are employed an additional box or cupboard for every additional one hundred and fifty persons.

(2) For the purposes of subsection (1) of this section the number of persons employed in a factory shall be taken to be the largest number of persons employed therein at any one time, and any fraction of one hundred and fifty shall be reckoned as one hundred and fifty, so however, that where the persons employed are employed in shifts the calculation of the number employed should be according to the largest number at work at any given shift.

(3) Nothing except appliances or requisites for first-aid shall be kept in a first-aid box or cupboard.

(4) Each first-aid box or cupboard shall be placed under the charge of a responsible person who shall always be readily available during working hours, and a notice shall be affixed in every work-room stating the name of the person in charge of the first-aid box or cupboard provided in respect of that room.

44. Exemption if ambulance room is provided. If an ambulance room is provided at the factory and such arrangements are made as to ensure the immediate treatment there of all injuries occurring in the factory, the Director of Factories may by certificate in writing exempt the factory from the requirements of section 43 of this Act to such extent and subject to such conditions as he may specify in the certificate.

PART V - HEALTH, SAFETY AND WELFARE (SPECIAL PROVISIONS AND REGULATIONS)

45. Removal of dust or fumes.

(1) In every factory in which, in connection with any process carried on there is given off any dust or fume or other impurity of such a character and to such extent as to be likely to be injurious or offensive to the persons employed, or any substantial quantity of dust of any kind, all practicable measures shall be taken to protect the persons employed against inhalation of the dust or fume or other impurity and to prevent its accumulating in any workroom, and in particular, where the nature of the process makes it practicable, exhaust appliances shall be provided and maintained, as near as possible to the point of origin of the dust or fume or other impurity as to prevent it from polluting the air of any workroom.

(2) No stationary internal combustion engine shall be used unless provision is made for conducting the exhaust gases from the engine into the open air.

46. Meals in certain dangerous trades. Where in any room any poisonous or otherwise injurious substance is so used as to give rise to any dust, or fume, no person shall be permitted to partake of food or drink in that room.

47. Protective clothing and appliances. Where in any factory workers are employed in any process involving excessive exposure to wet or to injurious or offensive substance, suitable protective clothing and appliances, including, where necessary, suitable gloves, footwear, goggles and head coverings, shall be provided and maintained for the use of such workers.

48. Protection of eyes in certain processes.

(1) In the case of any of the processes specified in the Fourth Schedule to this Act, suitable goggles or effective screens shall be provided to protect the eyes of the persons employed in the process;

(2) Where in any factory electric arc welding is carried on effective provisions shall be made, by screening or otherwise, to prevent persons employed (other than persons employed in the welding process) from being exposed to the electric arc flash.

49. Power to make regulations for certain health, safety and welfare.

(1) Where the Minister is satisfied that -

- (a) owing to the conditions and circumstances of employment or of the nature of the processes carried on in a factory, provision requires to be made for securing the health, safety and welfare of persons employed or any class of them; or
- (b) any manufacture, machinery, plant, equipment or process used in factories is of such nature as to cause risk of bodily injury or be offensive to persons employed or any class of them,

he may, subject to the provisions of this Act and the Labour Act, make such regulations as appear to him to be reasonably practicable and to meet the necessity of the case.

(2) Regulations so made may apply to all such factories or to any specified class or description of such factories, and may provide for the exemption of any specified class or description of factory either absolutely or subject to conditions.

(3) Regulations so made may without prejudice to the generality of the powers conferred in subsection (1) of this section -

- (a) prohibit the employment of or modify or limit the hours of employment of, all persons or any class of persons in connection with any manufacture, machinery, plant, equipment, appliance, process or description of manual labour; or
- (b) prohibit, limit or control the use of any material or process; or
- (c) modify or extend with respect to any class or description of factory any provisions of Parts II, III, IV or this Part of this Act, being provisions imposing requirements as to health, safety or welfare; or
- (d) make provision for -
 - (i) arrangements, for preparing or heating and taking meals,
 - (ii) ambulance and first-aid arrangements,
 - (iii) rest rooms,
 - (iv) the supply and use of seats in workrooms,
 - (v) the supply of protective clothing, and
 - (vi) arrangements for the supervision of persons employed, and may impose duties on owners, employed persons and other persons, as well as on occupiers.

(4) The Minister may make regulations in connection with the fees to be paid in respect of any matter or thing done under this Act.

50. Power to take samples.

(1) An inspector may, at any time after informing the occupier or, if the occupier is not readily available, a manager or other responsible person in the factory, take for analysis sufficient samples of any substance used or intended to be used in a factory, being a substance in respect of which he suspects a contravention of any regulation made under this Part of this Act or which he thinks may prove on analysis to be likely to cause bodily injury to the persons employed.

(2) The occupier or the manager or other responsible person aforesaid may, at the time when the sample is taken under this section, and on providing the necessary appliances, require the inspector to divide the sample into three parts, to mark and seal or fasten up each in such manner as its nature permits and -

- (a) to deliver one part to the occupier or the manager or other responsible persons aforesaid;
- (b) to retain one part for future comparison;
- (c) to submit one part to the analyst,

and any analysis under this section shall, if so required, be carried out by a Government Chemist in the public service of the Federation or a State.

(3) A certificate purporting to be a certificate by a Government Chemist as aforesaid as to the result of an analysis of sample under this section shall in any proceedings under this Act be admissible as evidence of the matters stated therein, but any party to the proceedings may require the person by whom the analysis is made to be called as a witness.

(49) It shall not be lawful for any person, except in so far as is necessary for the purposes of a prosecution for an offence under this Act, to publish or disclose to any person the result of an analysis made under this section, and if any person acts in contravention of this subsection he shall be guilty of an offence and on conviction shall be liable to a fine not exceeding N1,000.

PART VI - NOTIFICATION AND INVESTIGATION OF ACCIDENTS AND INDUSTRIAL DISEASES

51. Notification of accidents.

(1) Where any accident occurs in a factory which either -

- (a) causes loss of life to a person employed in that factory; or
- (b) disabled any such person for more than three days from performing the duties for which he was employed,

written notice of the accident, in the prescribed form and accompanied by the prescribed particulars, shall forthwith be sent to the inspector of the district by the occupier of the factory.

(2) Where any accident causing disablement is notified under this section, and after notification thereof results in the death of the person disabled, notice in writing of the death shall be sent to the inspector of the district by the occupier of the factory as soon as the death comes to his knowledge.

(3) Where any accident to which this section applies occurs to a person employed and the occupier of the factory is not the actual employer of the person killed or injured, the actual employer shall, if he fails to report the accident to the occupier immediately, be guilty of an offence.

(4) Any employer or occupier of a factory who fails to report an accident under this section shall be guilty of an offence and shall on conviction be liable to a fine not exceeding N 1,000.

(5) The Minister may, if he considers it expedient, institute a commission of inquiry into frequent or large scale accidents in factories or work-houses in order to recommend such action as would prevent any such accident in the future.

52. Power to extend dangerous occurrences provisions as notice of accidents.

(1) If the Minister considers that, by reason of the risk of serious bodily injury to persons employed, it is expedient that notice should be given under section 51 of this Act in every case of any special class of explosion, fire, collapse of buildings, accident to machinery or plant, or other occurrences in a factory, he may by regulations, extend the provisions of that section to any such class of occurrences, whether death or disablement is caused or not, and may allow the required notice of any occurrence to which the regulations relate, instead of being sent forthwith, to be sent within the time stipulated by the regulations.

(2) The Minister may, if he considers it expedient, institute an inquiry into any frequent or large scale dangerous occurrence of the class specified in subsection (1) of this section in order to recommend such action as would prevent any such occurrence in the future.

53. Notification of industrial disease.

(1) The occupier of any factory who believes, suspects or has reasonable ground for believing or suspecting, that a case of occupational disease has occurred in the factory, shall forthwith send written notice of such case, in the prescribed form and accompanied by the prescribed particulars, to the nearest inspector; and the provisions of this Act with respect to the notification of accidents shall apply to any such case in like manner as to any such accident as is mentioned in those provisions.

(2) For the purposes of this section "occupational disease" means any disease or illness which is declared as such by the Minister by notice in the Gazette, being a disease or illness which, in the opinion of the Minister, may be contracted by an employed person by reason of the nature of his employment in a factory.

PART VII - SPECIAL APPLICATIONS, EXTENSIONS AND MISCELLANEOUS PROVISIONS

54. Premises where part of building is separate factory.

(1) Where a part of a building is let off as a separate factory, the provisions of this Act hereafter in this subsection mentioned shall apply to any part of the building used for the purposes of the factory but not comprised therein, that is to say -

- (a) the provisions of Part II of this Act with respect to cleanliness and lighting;
- (b) the provisions of Part III of this Act with respect to prime movers, transmission machinery, hoists and lifts, chains, ropes and lifting machines, safe means of access and safe place of employment, steam boilers, steam receivers and steam containers, and air receivers (including the provisions as to exceptions as to steam boilers, steam receivers, steam containers, and air receivers);
- (c) the provisions of Part III of this Act with respect to the power of an inspector to issue notices as to dangerous or unsafe conditions and practices and as to dangerous or unsafe factories,

and the owner of the building shall be responsible for any contravention of the said provisions and shall also be responsible, instead of the occupier of the factory, for any contravention as respects the factory of the provisions of Part II of this Act with respect to sanitary conveniences and of the provisions of Part III of this Act with respect to hoists and lifts, prevention of fire, and safety provisions in case of fire, and, for the purposes of the provisions with respect to prevention of fire and safety provisions in case of fire, the factory shall be deemed to include any part of the building used for the purpose of the factory:

Provided that the owner of the building shall be responsible for the cleanliness of sanitary conveniences only when used in common by several tenants, and shall be responsible for any contravention of any of the aforementioned provisions of Part III of this Act only in so far as the said provisions relate to matters within his control; and the occupier of the factory shall, in any case, be responsible for any contravention (whether as respects the factory or otherwise) of any of the said provisions of Part III of this Act with respect to any machinery or plant belonging to or supplied by him.

(2) In sections 37 and 38 of this Act as they apply in relation to the factory and as they are applied by the foregoing subsection, references to the occupier shall be taken as references to the occupier of the factory or to the owner of the building, according to which of them is responsible in respect of the matters complained of.

(3) For the purposes of the provisions applied by subsection (1) of this section, lifting machines attached to the outside of the building, and chains, ropes and lifting tackle used in connection with those machines, shall be treated as being in the building, but any lifting machine not used for the purposes of the factory, and any chains, ropes or lifting tackle not used in connection with a lifting machine so used, shall be disregarded.

(4) Where, under subsection (1) of this section, any provision is applied containing a reference to the general register, then, in relation to matters in respect of which the owner of the building is responsible, that reference shall be taken as a reference to a register to be kept by him, and subsection (2) of section 76 of this Act shall apply in relation to any such register as if the owner were the occupier of a factory.

55. Docks, wharves and quays.

(1) The provisions of this Act hereafter in this subsection mentioned shall apply to every dock, wharf or quay as if it were a factory, and as if the person having the actual use or occupation of the dock, wharf or quay were the occupier of a factory, that is to say -

- (a) Part III of this Act;
- (b) Part IV of this Act;

- (c) the provisions of Part V of this Act with respect to regulations for health, safety and welfare; and
- (d) Part VI of this Act;
- (e) the provisions of this Part of this Act with respect to the abstract of this Act, regulations and notices, general registers (so far as applicable) and preservation of registers and records, subject to such modifications as may be made by regulations made by the Minister, and the provisions of this Part with respect to duties of person employed, and the prohibition of deductions from wages;
- (f) the provisions of Part XI of this Act with respect of powers and duties of inspectors and to regulations and orders made under this Act;
- (g) Part IX of this Act;
- (h) Part X of this Act.

(2) Subject as hereafter in this subsection provided, the provisions of this Act mentioned in subsection (1) of this section shall apply to the processes of loading, unloading or coaling of any ship in any dock or harbour, and to all machinery or plant used in those processes, as if the processes were carried on in a factory and the machinery or plant were machinery or plant in a factory and the person who carries on those processes were the occupier of a factory:

Provided that the provisions of this Act mentioned in the said paragraphs (a) and (b) of subsection (1) of this section shall not apply in relation to any such machinery or plant which is on board a ship and is the property of the ship owner.

(3) For the purposes of this subsection, the expression "plant" includes any gangway or ladder used by any person employed to load or unload or coal a ship.

56. Premises in which steam boilers are used.

(1) The provisions of this Act hereafter in this subsection mentioned shall apply to any premises (not being premises forming part of the factory or premises to which the application of this Act is otherwise extended by this Part of this Act) in which a steam boiler is used, as if the premises were a factory and as if the person having the actual use or occupation of the premises were the occupier of a factory, that is to say -

- (a) the provisions of Part III of this Act with respect to steam boilers and to steam receivers and steam containers (including the provisions as to exceptions as to steam boilers), that the owner of the boiler, receiver or container shall, instead of the person deemed to be the occupier, be responsible for any contravention of the said provisions in so far as they relate to matters within his control;
- (b) the provisions of Part III of this Act with respect to the power of an inspector to issue notices as to dangerous or unsafe conditions and practices and as to dangerous or unsafe factories;
- (c) the provisions of Part V of this Act with respect to regulations for health, safety and welfare;
- (d) Part VI of this Act with respect to notification of accidents and power to extend to dangerous occurrences and provisions as to notice of accidents;
- (e) the provisions of this Part with respect to general registers (so far as applicable), and preservation of registers and records, subject to such modifications as may be made by regulations made by the Minister and the provisions of the said Part with respect to duties of persons employed;

- (f) the provisions of Part VIII of this Act with respect to powers and duties of inspectors, and to regulations and orders made under this Act;
- (g) Part XI of this Act;
- (h) Part IX of this Act.

(2) The occupier of any premises (not being premises forming part of a factory) in which a steam boiler is used shall send to the Director of Factories a written notice containing the particulars set out in the Fifth Schedule to this Act; and is newly taken into use in any premises (not being premises forming part of a factory), the occupier shall send a like notice to the Director of Factories.

57. Power to extend application of provisions of Act. The Minister may, by order and subject to such conditions as may be specified in the order, extend the application of all or any of the provisions of this Act to any of the following classes of premises, processes or operations, that is to say -

- (a) warehouse (not forming part of any factory);
- (b) any premises (not being premises forming part of a factory) in which a hoist or lift is used;
- (c) any work carried out in a harbour or wet dock in constructing, reconstructing, repairing, refitting, painting, finishing or breaking up a ship or in scaling, scurfing or cleaning boilers (including combustion chambers and smoke boxes) in a ship, or in cleaning oil-fuel tanks or bilges in a ship or any tank in a ship last used for oil of any description carried as cargo;
- (d) building operations undertaken by way of trade or business, or for the purposes of any industrial or commercial undertaking, and any line or siding which is used in connection therewith and for the purposes thereof and is not part of a railway;
- (e) works of engineering construction undertaken by way of trade or business, or for the purpose of any industrial or commercial undertaking, and any line or siding which is used in connection therewith and for the purposes thereof and is not part of a railway.

PART VIII.-GENERAL REGISTER, ETC.

58. General registers.

(1) There shall be kept in every factory a register, in the prescribed form, called the general register, and there shall be entered in or attached to the register -

- (a) the certificate of registration of the factory;
- (b) every other certificate issued in respect of the factory by the Director of Factories under the provisions of this Act;
- (c) the prescribed particulars as to the washing, white-washing or colour washing, painting or varnishing of the factory;
- (d) the prescribed particulars as to every accident and case of occupational disease occurring in the factory of which notice is required to be sent to an inspector under the provisions of this Act;
- (e) all reports and particulars required by any other provisions of this Act to be entered in or attached to the general register;
- (f) such other matters as may be prescribed by regulations.

(2) The occupier of a factory shall send to an inspector such extracts from the general register as the inspector may from time to time require for the purpose of the execution of his duties under this Act.

59. Preservation of registers and records. The general register and every other register or record kept in pursuance of this Act shall be preserved and shall be kept available for inspection by any inspector for seven years or such shorter period if any, as may be prescribed for any class or description of register or record, after the date of the last entry in the register or record.

60. Posting of abstract of Act, regulations and notices.

(1) There shall be kept posted in a prominent position in every factory -

- (a) the prescribed abstract of this Act;
- (b) a notice of the address of the Director of Factories and of the nearest inspector;
- (c) printed copies of any regulations made under Part V of this Act which are for the time being in force in the factory; or the prescribed abstracts of such regulations; and
- (d) every other notice and document required by this Act to be posted in the factory.

(2) All such documents shall be in English and in such Nigerian languages as an inspector may direct and, if a form has been prescribed for any document, it shall be posted in that form.

61. Duties of persons employed.

(1) No person employed in a factory or in any other place to which any provision of this Act applies shall wilfully interfere with or misuse any means, appliance, convenience or other thing provided in pursuance of this Act for securing the health, safety or welfare of the persons employed in the factory or place, and, where any means or appliance for securing health or safety is provided for the use of any such person under this Act he shall use that means or appliance.

(2) No person employed in a factory or in any other place to which any provision of this Act applies shall wilfully and without reasonable cause do anything likely to endanger himself or any other person.

62. Prohibition of deductions from wages. The occupier of a factory shall not, in respect of anything to be done or provided by him in pursuance of this Act make any deduction from the sum contracted to be paid by him to any person employed, or receive, or allow any person in his employment to receive any payment from any such person.

PART IX - ADMINISTRATION

63. Report. The Minister shall, within thirty days after the end of each financial year, submit to the National Council of Ministers, a report on his activities under this Act.

64. Appointment of inspectors.

(1) There shall be, for the purpose of executing this Act, a Director of Factories of the Federation and such inspectors of factories and other officers, by whatever name called.

(2) Notice of the appointment of the Director of Factories and inspectors of factories and other officers shall be published in the Gazette.

(3) The Minister shall issue to every person appointed under subsection (1) of this section a certificate of appointment and when visiting a factory or place to which any of the provisions of this Act apply such person shall, if required to do so, produce the certificate to the occupier or other person holding a responsible position of management at the factory.

(4) A person who is the occupier of a factory, or who is directly interested in the factory or in any process or business carried on therein or in a patent connected therewith or is employed in or about a factory, shall not act as an inspector.

(5) No inspector shall publish or disclose to any person the details of any manufacturing or commercial or working process which may come to his knowledge in the course of his duties except in so far as is necessary -

- (a) for the purposes of a prosecution for an offence under this Act;
- (b) for the purposes of a Coroner's inquest; or
- (c) for the purpose of an enquiry under any provision of this Act in connection with the safety of any premises or in connection with an accident happening therein or in connection with an occupational disease.

(6) An inspector shall treat as absolutely confidential the source of any complaint bringing to his notice a contravention of the provisions of this Act and shall give no intimation to the occupier or his representative that a visit of inspection was made in consequence of such complaint.

(7) A person who contravenes any of the provisions of subsection (4), (5) or (6) of this section shall be guilty of an offence under this Act.

65. Powers of inspectors.

(1) An inspector shall, for the purpose of the execution of this Act, have power to do the following things, that is to say -

- (a) to enter, inspect and examine, by day or by night, a factory, and every part thereof, when he has reasonable cause to believe that any person is employed therein, and to enter, inspect and examine by day any place which he has reasonable cause to believe to be a factory, and any part of any building of which a factory forms part and in which he has reasonable cause to believe that explosive or highly inflammable materials are stored or used;
- (b) to take with him a police officer if he has reasonable cause to apprehend any serious obstruction in the execution of his duty;
- (c) to require the production of the registers, certificates, notices and documents kept in pursuance of this Act and to inspect, examine and copy any of them;
- (d) to make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act are complied with;

- (e) to require any person whom he finds in a factory to give such information as it is in his power to give as to who is the occupier of the factory;
- (f) to examine any person, either alone or in the presence of any other person, as he thinks fit, with respect to matters under this Act, and to require every such person to sign a declaration of the truth of the matters respecting which he is so examined; so however, that no one shall be required under this provision to answer any question or to give any evidence tending to incriminate himself;
- (g) in the case of an inspector who is a registered medical practitioner, to carry out such medical examinations as may be necessary for the purposes of his duties under the provisions of this Act;
- (h) to carry out such examinations, test and analysis in order to give effect to this Act and take instant photographs in any factory;
- (i) to exercise such other powers as may be necessary for giving full effect to the provisions of this Act.

(2) The owner or occupier or agent of the owner or occupier shall certify or endorse any instant photograph in pursuance of subsection (1)(b) of this section at the time it is taken but refusal to certify or endorse by the owner, occupier or his agent shall not invalidate the authenticity of the photograph.

(3) The occupier of every factory, his agents and servants, shall furnish the means required by an inspector as necessary for any entry, inspection, examination, inquiry or the taking of samples, or otherwise for the exercise of his powers under the provisions of this Act in relation to that factory.

(4) If any person wilfully delays an inspector in the exercise of any power under this section or fails to comply with, the requisition of an inspector in pursuance of this section or to produce any register, certificate, notice or document which he is required by or in pursuance of this Act to produce, or wilfully withholds any information as to who is the occupier of any factory, or conceals or prevents or attempts to conceal or prevent, a person from appearing before or being examined by an inspector, that person shall be deemed to obstruct an inspector in the execution of his duties under the provisions of this Act.

(5) Where an inspector is obstructed in the execution of his powers or duties under the provisions of this Act, the person obstructing him shall be guilty of an offence and shall be liable on conviction to a fine not exceeding N1,000 or to imprisonment for a term not exceeding six months or to both such fine and imprisonment; and where an inspector is so obstructed in a factory, the occupier of the factory shall be guilty of an offence.

(6) Any notice or certificate issued by the Director of Factories under the provisions of this Act may be issued for a limited period or without limitation of period and may be varied or revoked by the Director of Factories:

Provided that this subsection shall not apply as respects any certificate of registration of a factory issued by the Director of Factories under the provisions of Part I of this Act.

66. Power of inspectors to conduct proceedings before a Magistrate's Court.

(1) Any inspector may, although he is not a legal practitioner, prosecute, conduct or defend before a court any charge, information, complaint, or other proceeding arising under this Act or in the discharge of his duty as an inspector.

(2) It shall not be an objection to the competency of an inspector to give evidence as a witness in any prosecution for an offence against this Act that the prosecution is brought at his instance or conducted by him.

67. Provisions as to regulations made under this Act.

(1) All regulations made by the Minister under this Act shall be laid before the National Council of Ministers as soon as may be after the date of their making.

(2) The National Council of Ministers may, by resolution, approve or reject any regulations laid before it in pursuance of this section, and no such regulations shall come into force until thirty days after they have been so approved or such later date as may be specified in the regulations.

68. Publication in the Gazette of certificates issued or revoked by the Director of Factories. Whenever the Director of Factories issues, under the provisions of this Act, any certificate approving or authorising any person for the purpose of any of those provisions, or excepting any factory from the requirements of any of those provisions, or revokes any such certificate, he shall notify the issue or revocation of the certificate in the Gazette.

PART X - OFFENCES, PENALTIES AND LEGAL PROCEEDINGS

69. Offences.

(1) In the event of any contravention in or in connection with or in relation to a factory of the provisions of this Act or of any regulation or order made thereunder, the occupier, or (if the contravention is one in respect of which the owner is by or under this Act made responsible) the owner, of the factory shall, subject as hereafter in this Act provided, be guilty of an offence under this Act.

(2) In the event of a contravention by an employed person of the provisions of Part VIII of this Act with respect to duties of person employed, or of a contravention by any person of any regulation or order made under this Act which expressly imposes any duty upon him, that person shall be guilty of an offence and the occupier or owner, as the case may be, shall not be guilty of an offence by reason only of the contravention of the said provisions of Part VIII of this Act, or the contravention of the provision imposing the said duty, as the case may be, unless it is proved that he failed to take all reasonable steps to prevent the contravention; but this subsection shall not be taken as affecting any liability of the occupier or owner in respect of the same matter by virtue of some provisions other than the provisions or provision aforesaid.

(3) If the occupier of a factory avails himself of any special exception allowed by or under this Act and fails to comply with any of the conditions attached to the exception, he shall be deemed to have contravened the provisions of this Act.

(4) If any persons are employed in a factory otherwise than in accordance with the provisions of this Act or of any regulation or order made thereunder, there shall be deemed to be a separate contravention in respect of each person so employed.

(5) Where an offence under this Act is committed by a body corporate, firm, co-operative society or other association of individuals -

- (a) every director, manager, secretary or other similar officers of the body corporate;
- (b) every partner or officer of the firm;
- (c) every person concerned in the management of the affairs of the co-operative society or association; or
- (d) every person who was purporting to act in such capacity as aforesaid,

shall severally be guilty of that offence and liable to be proceeded against in like manner as if he had committed the offence, unless he proves that the act or omission constituting the offence took place without his knowledge, consent, connivance or neglect.

70. Penalty for offences for which no express penalty is provided. Subject as hereinafter in this Act provided, any person guilty of an offence under this Act, for which no express penalty is provided by or under this Act, shall be liable to a fine not exceeding N500 or to imprisonment for a term not exceeding three months, or to both such imprisonment and fine and, if the contravention in respect of which he was so convicted is continued after the conviction, he shall be guilty of a further offence and liable in respect thereof to a fine not exceeding N100 for each day on which the contravention was so continued.

71. Penalty in cases of death or injury. If any person is killed or dies or suffers any bodily injury, in consequence of the occupier or owner of a factory having contravened any provision of this Act or of any regulation or order made thereunder, the occupier or owner of the factory shall, without prejudice to any other penalty, be liable to a fine not exceeding N5.000 or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment, and the whole or any part of the fine may be applied for the benefit of the injured person or his family or otherwise as the court may order:

Provided that -

- (a) in the case of injury to health, the occupier or owner shall not be liable to a penalty under this section unless the injury was caused directly by the contravention; and
- (b) the occupier or owner shall not be liable to a penalty under this section if the charge against him under this Act in respect of the act or default by which the death or injury was caused has been heard and dismissed before the death or injury occurred.

72. Forgery of certificates, false entries and false declarations. If any person -

- (a) forges or counterfeits any certificate required by, under or for the purposes of, this Act or any order or regulation made thereunder; or
- (b) gives or signs any such certificate knowing it to be false in any material particular; or
- (c) knowingly utters or makes use of any such certificate so forged, counterfeited or falsified as aforesaid; or
- (d) knowingly utters or makes use of, as applying to any person, any such certificate which does not so apply; or

- (e) personates any person named in any such certificate; or
- (f) falsely pretends to be an inspector; or
- (g) wilfully connives at any such forging, counterfeiting, giving, signing, uttering, making use, personating or pretending as aforesaid; or
- (h) wilfully makes a false entry in any register, notice, certificate or documents required by, under, or for the purposes of this Act or any order or regulation made thereunder, to be kept or served or sent; or
- (i) wilfully makes or signs a false declaration required by, under, or for the purposes of, this Act or any order or regulation made thereunder; or
- (j) knowingly makes use of any such false entry or declaration as aforesaid,

he shall, without prejudice to any other penalty, be guilty of an offence under this Act, and liable on conviction to a fine not exceeding N2,000 or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

73. Penalty for persons actually committing offence for which occupier is liable.

Where an act or default for which an occupier or owner of a factory is liable under this Act is in fact the act or default of some agent, servant, worker or other person, that agent, servant, worker or other person shall be guilty of an offence and liable to the penalty as if he were the occupier or owner, as the case may be.

74. Powers of occupier or owner to exempt himself from liability on the conviction of actual offender.

(1) Where the occupier or owner of a factory is charged with an offence under the provisions of this Act, he shall be entitled, upon a charge duly made by him and on giving to the prosecution not less than three days notice in writing of his intention, to have any other person whom he charges as the actual offender (whether or not that person is his agent or servant) brought before the court at the time appointed for hearing the charge and if, after the commission of the offence has been proved, the occupier or owner of the factory proves to the satisfaction of the court -

- (a) that he has used all due diligence to enforce the execution of the provisions of this Act and of any relevant regulations or order thereunder; and
- (b) that the said other person committed the offence in question without his consent, connivance or wilful default,

that other person shall be convicted of the offence, and the occupier or owner shall not be guilty of the offence, and the person so convicted shall, in the discretion of the court, be also liable to pay costs incidental to the proceedings.

(2) The prosecution and the other person referred to in subsection (1) of this section shall each have the right in any case to cross-examine the occupier or owner if he gives evidence, and any witness called by him in support of his charge, and to call rebutting evidence.

(3) When it is made to appear to the satisfaction of an inspector at the time of discovering an offence -

- (a) that the occupier or owner, as the case may be, of the factory has used all due diligence to enforce the execution of this Act and of any relevant regulation or order made thereunder;

- (b) by what person the offence has been committed; and
- (c) that it has been committed without the consent, connivance or wilful default of the occupier or owner, as the case may be, and in contravention of his orders,

the inspector shall proceed against the person whom he believes to be the actual offender without first proceeding against the occupier or owner of the factory.

75. Proceedings against persons other than occupier or owners. Where, under this Act, any person is substituted for the occupier or owner of a factory with respect to any provisions of this Act any order, summons, notice or proceeding, which for the purpose of any of those provisions, is by or under this Act required or authorised to be served on or taken in relation to the occupier or owner, is hereby required or authorised (as the case may be) to be served on or taken in relation to that person.

76. Owner of machine liable in certain cases instead of occupier. Where in a factory the owner or hirer of a machine or implement moved by mechanical power is some person other than the occupier of the factory, the owner or hirer shall, so far as respects any offence under this Act committed in relation to a person who is employed in or about or in connection with that machine or implement and is in the employment or pay of the owner or hirer, be deemed to be the occupier of the factory.

77. Prosecution of offences.

(1) All offences under this Act shall be prosecuted, and all fines under this Act shall be recovered in a magistrate's court.

(2) In any proceedings under this Act it shall be sufficient to allege in the charge that the factory is a factory within the meaning of this Act, and to state the name of the ostensible occupier of the factory or, where the occupier is a firm, the title of the firm; and the burden of proving that the premises is not a factory, or that the occupier specified in the charge or information is not the occupier of the factory, shall lie upon the person alleging such fact.

(3) Where any offence is committed under this Act by reason of a failure to make an examination, enter a report, or do any other thing, at or within a time specified by this Act (or any regulation or order made thereunder), the offence shall be deemed to continue until the examination is made, or the report entered, or the other thing done, as the case may be.

78. Special provisions as to evidence.

(1) If a person is found in a factory at any time at which work is going on or the machinery is in motion, except during the intervals for meals or rest, he shall, until the contrary is proved, be deemed for the purposes of this Act to have been then employed in the factory.

(2) Where any entry is required by this Act or by any order or regulations made thereunder to be made in the general register or in any other register or record, the entry made by the occupier of a factory or on his behalf shall, as against him, be admissible as evidence of the facts therein stated, and the fact that any entry so required with respect to the observance of any provision of this Act or of any order or regulation made thereunder has not been made shall be admissible as evidence that that provision has not been observed.

79. Service and sending of documents, etc.

(1) Any document (including any summons or order) required or authorised to be served under this Act may be served -

- (a) on any person by delivering it to him or by leaving it at or sending it by post to, his residence or place of business;
- (b) on any firm by delivering it to any partner of the firm or by leaving it at, or sending it by post to, the office of the firm;
- (c) on the owner or occupier of a factory (including any such owner or occupier being a company or a cooperative society) in any such manner as aforesaid, or by delivering it, or a true copy thereof, to any responsible person apparently not under the age of sixteen years at the factory.

(2) Any document (including any summons or order required or authorised to be served under this Act) may be addressed, for the purpose of the service thereof on the occupier of a factory, to "the occupier" at the proper postal address of the factory, without further name or description.

(3) The foregoing provisions of this section shall apply, with the necessary modifications, to documents required or authorised under this Act to be sent to any person, firm, owner or occupier, and to the sending, addressing and delivery of such documents.

80. Power to modify agreements.

(1) If by reason of an agreement between the owner and the occupier of premises the whole or any part of which has been let as a factory, the said owner or occupier is prevented from carrying out any structural or other alterations in the premises which are necessary to enable him to comply with the provisions of this Act, or in order to conform with any standard or requirement imposed by or under this Act, he may apply to a judge of the Federal High Court in chambers for the terms of the agreement to be set aside or modified.

(2) The judge, after hearing the parties and any witnesses whom they may desire to call, may make such an order setting aside or modifying the terms of the agreement as he considers just and equitable in the circumstances of the case.

81. Power to apportion expenses.

(1) Where, in any premises the whole or any part of which has been let as a factory, any structural or other alterations are required in order to comply with the provisions of this Act or of any regulation or order made under this Act, or in order to conform with any standard or requirement imposed by or under this Act, and the owner or occupier as the case may be, alleges that the whole or part of the expenses of the alterations ought to be borne by the occupier or owner, the owner or occupier may apply to a judge of the Federal High Court in chambers for the expenses of the alterations to be apportioned between them.

(2) The judge, after hearing the parties and any witnesses whom they may desire to call, may make such an order concerning the expenses or their apportionment as he considers just and equitable in the circumstances of the case, regard being had to the terms of any contract between the parties, or, in the alternative he may, at the request of the owner or occupier, determine the lease.

PART XI - GENERAL

82. Saving. Except where otherwise expressly provided, the provision of this Act shall be in addition to and not in substitution for or diminution of the provisions of any other Act, or Law:

Provided that no person shall be liable to be punished under this and under another Act, or Law in respect of the same acts or omissions.

83. General application. Except as in this Act otherwise expressly provided, the provisions of this Act shall apply only to factories, as defined by this Act, but shall, except where the contrary intention appears, apply to all such factories.

84. Application to factories belonging to Government of the Federation or States. This Act shall apply to factories belonging to or in the occupation of the Government of the Federation or of a State.

85. Power to exempt in cases of emergency. In case of any public emergency the President, Commander-in-Chief of the Armed Forces may, by order to the extent and during the period named in the order, exempt from this Act either factories generally or any class or description of factory.

86. Repeals and savings.

(1) The Factories Act (in this section referred to as "the repealed enactment") is hereby repealed.

(2) Notwithstanding subsection (1) of this section -

- (a) any factory which was immediately before the coming into force of this Act included in the registers maintained under the repealed enactment shall, without further application be deemed to be registered under the appropriate provision of this Act;
- (b) any register kept in pursuance of the repealed enactment shall be deemed to be part of the register to be kept in pursuance of this Act;
- (c) any document referring to a provision of the repealed enactment shall be construed as a reference to the corresponding provision of this Act;
- (d) any appointment, notice, order, certificate, or approval made, issued or given under the repealed enactment shall be deemed to have been made, issued or given under this Act; and
- (e) where any offence, being an offence for the continuance of which a penalty was provided, has been committed under the repealed enactment, proceedings may be taken under this Act in respect of the continuance of the offence after the commencement of this Act in the same manner as if the offence has been committed under the corresponding provisions of this Act.

87. Meaning of factory.

(1) Subject to the provisions of this section, the expression "factory" means any premises in which or within which, or within the close or curtilage or precincts of which

one person is, or more persons are, employed in any process for or incidental to any of the following purposes, namely -

- (a) the making of any article or of part of any article; or
- (b) the altering, repairing, ornamenting, finishing, cleaning, or washing, or the breaking up or demolition of any article; or
- (c) the adapting for sale of any article,

being premises in which, or within the close or curtilage or precincts of which, the work is carried on by way of trade or for purposes of gain and to or over which the employer of the person or persons employed therein has the right of access or control; and the expression "factory" also includes the following premises in which ten or more persons are employed, that is to say -

- (i) any yard or dry dock (including the precincts thereof) in which ships or vessels are constructed, reconstructed, repaired, refitted, finished or broken up,
- (ii) any premises in which the business of washing or filling bottles or containers or packing articles is carried on incidentally to the purposes of any factory,
- (iii) any premises in which the construction, reconstruction or repair of locomotives, vehicles or other plant for use for transport purposes is carried on as ancillary to a transport undertaking, or other industrial or commercial undertaking,
- (iv) any premises in which printing by letterpress, lithography, photogravure or other similar process, or book-binding is carried on by way of trade or for purposes of gain or incidentally to another business so carried on,
- (v) any premises in which mechanical power is used in connection with the making or repair of articles of metal or wood incidentally to any business carried on by way of trade or for purposes of gain,
- (vi) any premises in which articles are made or prepared incidentally to the carrying on, of building operations or works, of engineering construction, not being premises in which such operations or works are being carried on,
- (vii) any premises in which such persons are employed in or in connection with the generating of electrical energy for supply by way of trade, or for supply for the purposes of any industrial or commercial undertaking or of any public building or public institution, or for supply to streets or other public places,
- (viii) any premises in which mechanical power is used for the purposes of or in connection with a water supply, being premises in which such person or persons are employed,
- (ix) any laundry carried on as ancillary to another business or incidentally to the purposes of any public institution:

Provided that the Minister may, if in special circumstances he thinks it expedient so to do, at any time by order except any premises or part of any premises being a factory as herein before defined from the application of all or any of the provisions of this Act.

(2) Any line or siding (not being part of a railway) which is used in connection with and for the purposes of a factory shall be deemed to be part of the factory; and, if any such line or siding is used in connection with more than one factory belonging to different occupiers, the line or siding shall be deemed to be a separate factory, and the provisions of this Act shall apply as if such different occupiers were jointly the occupiers of the line or siding so deemed to be a factory.

(3) Any workplace in which, with the permission of or under agreement with the owner or occupier, ten or more persons carry on any work which would constitute the workplace a factory if the persons therein were in the employment of the owner or occupier, shall be deemed to be a factory for the purposes of this Act, and, in the case of any such workplace, the provisions of this Act shall apply as if the owner or occupier of the workplace were the occupier of the factory and the persons working therein were persons employed in the factory.

(4) No premises in or adjacent to and belonging to a mine, not being a quarry, being premises in which the only process carried on is a process ancillary to the getting, dressing or preparation for sale of materials, shall be deemed to be a factory.

(5) Where a place situate within the close, curtilage or precincts forming a factory is solely used for some purposes other than processes carried on in the factory, that place shall not be deemed to form part of the factory for the purposes of this Act, but shall, if otherwise it would be a factory, be deemed to be a separate factory.

(6) Premises shall not be excluded from the definition of a factory by reason only that they are open air premises.

(7) Any premises belonging to or in the occupation of the Government of the Federation, or of a State or Local Government Council or corporation constituted under any Act, or Law, shall not be deemed to be a factory by reason only that the work carried on there at is not carried on by way of trade or for purposes of gain.

88. Interpretation.

(1) In this Act, unless the context otherwise requires -

"article" includes any solid, liquid or gas, or any combination thereof;

"bodily injury" includes injury to health;

"building operation" means the construction, structural alteration, repair or maintenance of a building (including re-painting, re-decoration and external cleaning of the structure), the demolition of a building, and the preparation for, and laying the foundation of, an intended building but does not include any operation which is a work of engineering constructions within the meaning of this Act;

"class or description" in relation to factories, includes a group of factories described by reference to locality;

"contravention" includes, in relation to any provision, a failure to comply with that provision, and the expression "contravene" shall be construed accordingly;

"Director of Factories" means the Director of Factories of the Federation appointed under section 64 of this Act;

"driving belt" includes any driving strap or rope;

"fume" includes gas or vapour;

"Gazette" means the Official Gazette of the Federal Republic of Nigeria;

"general register" means the register kept in accordance with the requirements of section 58 of this Act;

"inspector" means an inspector appointed under Part IX of this Act;

"machinery" includes any driving-belt;

"maintained" means maintained in an efficient state, in efficient working order, and in good repair;

"mine" has the same meaning as in the Minerals Act;

"Minister" means Minister charged with responsibility for labour matters;

"inspector of the district", in relation to any factory or other premises, means the inspector specified in the notice which by virtue of the provisions of paragraph (b) of subsection (1) of section 60 of this Act, is required to be kept posted in such factory or other premises;

"owner" means the person for the time being receiving the rents or profits of the premises in connection with which the word is used, whether on his own account or as the agent or trustee for any other person, or who would so receive the same if the premises were leased;

"prescribed" means prescribed by order of the Minister;

"prime mover" means every engine, motor or other appliance which provides mechanical energy derived from steam, water, wind, electricity, the combustion of fuel or other sources;

"quarry" means any place, excavation or working, other than a mine, wherever, wherein or whereby any operation in connection with the extraction of sand, stone, laterite or any similar materials is carried on;

"railway" means any railway used for the purposes of public traffic, whether passenger, goods or other traffic, and includes any works used in connection with and for such purposes;

"sanitary conveniences" includes urinals, water closets, earth-closets, privies, ashpits, and any similar conveniences;

"steam boiler" means any closed vessel in which for any purpose steam is generated under pressure greater than atmospheric pressure, and includes any economiser used to heat water being fed to any such vessel, and any superheater used for heating steam;

"transmission machinery" means every shaft, wheel, drum, pulley, system of fast and loose pulleys, coupling, clutch driving-belt or other device by which the motion of a prime mover is transmitted to or received by any machine or appliance;

"work of engineering construction" means the construction of any railway line or siding, and the construction, structural alteration or repair (including painting and re-painting) or the demolition of any dock, harbour, inland navigation, tunnel, bridge, viaduct,

waterworks, reservoir, pipeline, aqueduct, sewer works, or gasholder, and includes such other works as may be prescribed.

(2) For the purposes of this Act, machinery or plant shall be deemed to have been constructed or reconstructed before the enactment of this Act or the making of regulations under this Act and a factory or building shall be deemed to have been constructed, reconstructed, extended, added to or converted for use as a factory, before the commencement of this Act if the construction, reconstruction, extension, addition, or conversion, was begun before the commencement of this Act, or the making of regulations under this Act.

(3) For the purposes of this Act, mechanical power shall not be deemed to be used in a factory by reason only that mechanical power is used for the purpose of heating, ventilating or lighting the workroom or other parts of the factory.

(4) For the purpose of this Act, an apprentice shall be deemed to be a person employed.

(5) A person who has not attained the age of eighteen years and works in a factory, whether for wages or not, in collecting, carrying or delivering goods, carrying messages or running errands shall be deemed to be employed in the factory for the purposes of this Act or of any proceedings thereunder.

89. Short title. This Act may be cited as the Factories Act.

FIRST SCHEDULE Section 2(1), 3(1)

FEDERAL REPUBLIC OF NIGERIA FOR OFFICIAL USE ONLY

- 1. State
- 2. Date Received
- 3. Checked
- 4. Certificate Issued
- 5. Certificate No.
- 6. Treasury Receipt No.

THE FACTORIES ACT

APPLICATION FOR REGISTRATION OF A FACTORY

(Particulars to be submitted by occupiers or intending occupiers of factories)

*I/We hereby apply for the registration of the premises of which the particulars are given below, as a factory.

(* Delete whichever is not applicable)

- 1. (a) Name of occupier or intending occupier of the factory

(b) If a firm which is not a registered company, give the number and date of registration under the Companies and Allied Matters Act (Cap. 59) and full name and address of each partner (and attach duly certified true copy of certificate issued under the Companies and Allied Matters Act (Cap. 59)).....

(c) If a registered company, state here particulars of registration under the Companies and Allied Matters Act and attach duly certified true copy of certificate issued under the said Act

2. Postal address and telephone number (if any) of the occupier or intending occupier

3. Precise location of factory. If in a township, the street or plot number should be given. If outside a township, please add sufficient information to enable the factory to be easily located

4. Nature of work carried on or proposed to be carried on in the factory

5. Whether mechanical power is used or intended to be used, and if so, its nature (e.g. electricity, diesel engine, etc.)

**6. (a) Dates and places of procurement of machines driven by mechanical power

*(**Continue on separate sheet)*

** (b) Give full details of machinery, equipment, etc. to be used (including operating parameters; integral safety devices; dates and addresses of procurement of machinery driven by mechanical power)

*(**Continue on separate sheet)*

** (c) Give full details of all materials to be used (including chemical and proprietary names and addresses of procurement; probable quantity of yearly usage and any precaution advised by the manufacturer/seller and the precautionary measures you have taken to protect actual users and handlers)

*(**Continue on separate sheet)*

** (d) Give full details, if any, of arrangement made for periodic medical examination of workers (including name and address of industrial/occupational health institution employed)

*(**Continue on separate sheet)*

7. (a) Total number of persons employed, or intended to be employed in the factory (indicate number of adults and youths and sex of each)

(b) Where persons are employed, or intended to be employed, in shifts, the maximum number employed, or intended to be employed, at any one time (indicate number or adults and youths and sex of each).....

8. *Date of occupation or intended date of occupation

(* Delete whichever is not applicable)

9. Whether steam boilers are used or intended to be used, and if so, the following particulars in respect of each boiler (including economiser and superheater) -

(a) Type, description and distinctive number

(b) Country and year of manufacture

(c) Date of last thorough test and examination and name and address of person who made the examination

(d) Maximum permissible working pressure in kg/sq. cm

(e) Location in the factory (indicate also linear distance to the nearest workroom/place)

(f) Type of fuel to be used

(g) Particulars of Boiler Attendants

(If more convenient, this information can be forwarded on a separate sheet of paper).

10. Do you use, or intend to use any of the following?

(a) Air compressors

(b) **Ropes, chains, blocks or lifting tackle

(**Continue on a separate sheet)

(c) Cranes, winches, etc.

(d) Hoist or lifts (excluding car hoists)

(e) Air receivers

(f) Steam receivers

*Please give brief particulars and details of last thorough test and examination made and name and address of the person who made the examination

.....

(**Continue on a separate sheet)

1 1. Have the premises previously been used as a factory? If so, please state name of previous occupier, nature of processes carried on therein and number of Certificate of Registration (if known)

12. Indicate other documents/information submitted in support of this application (e.g. information on first-aid facilities/in-plant clinic provided; fire protection and in-plant fire-fighting arrangement and facilities, etc.) -

.....
.....
.....

Date

Name and Signature of Occupier
Use also official seal/ Official stamp

Warning:

1. Application must be submitted at least six months before commencement of actual construction of factory buildings/structures.
2. An application not satisfactorily completed may be rejected.
3. Your attention is drawn to section 4 of the Factories Act should any changes occur in respect of the particulars stated in the above application, the occupier shall notify the Director of Factories of any such changes forthwith.
4. After completion, this form should be returned in duplicate to the Director of Factories, Federal Ministry of Employment, Labour and Productivity.

SECOND SCHEDULE Section 2(2), 3(2)

FEDERAL REPUBLIC OF NIGERIA

THE FACTORIES ACT

CERTIFICATE OF REGISTRATION OF A FACTORY

Treasury Receipt No.

No. of Certificate

Date of Issue

I hereby certify that the factory named below has been duly registered as a factory in pursuance of section 3 of the Factories Act.

Name of occupier

Postal address of occupier

Location of Factory

Purpose or work in respect of which premises have been registered

Period of validity of Certificate

Director of Factories

NOTES

- 1. This Certificate is issued under, and solely for the purposes of the Factories Act and is valid only in respect of the occupier, factory and purpose or work named above.
- 2. If at any time after the issue of this Certificate, any change occurs in respect of the particulars set out above, the occupier to which this notice relates shall inform the Director of Factories forthwith in writing, of such changes. Failure to do so is a punishable offence under the Act.
- 3. This Certificate must be attached to a flap at the front of the General Register, and the number and date of issue of this Certificate entered in paragraph 4 of Part I of the General Register.
- 4. Read section 72 of the Act on penalties for the use of a fake Certificate of Registration of Factory.

THIRD SCHEDULE Section 27

The Factories Act

REGISTER OF CHAINS, ROPES AND LIFTING TACKLE, AND LIFTING MACHINES

- 1. Name and occupier of factory
- 2. Address and location of factory
- 3. Distinguishing number or mark and description sufficient to identify the chain, rope or lifting tackle, or the lifting machine
- 4. Date when the chain, rope or lifting tackle, or the lifting machine, was taken into use in the factory
- 5. Date of each examination made under section 25(1)(d) or section 26(2) the Factories Act, as the case may be, and the name of the person by whom it was carried out
- 6. Particulars of any defect found at any such examination and affecting the safe working load, and of the steps taken to remedy such defect
- 7. Date and number of the certificate relating to any examination made under section 25(1)(e) or section 26(3) the Factories Act, as the case may be, together with the name and address of the person who issued the certificate.
- 8. In the case of chains and lifting tackle dates of annealing or other heat treatment.

FOURTH SCHEDULE Section 48(1)

The Factories Act

PROCESSES REQUIRING PROVISIONS OF SUITABLE GOGGLES OR EFFECTIVE
SCREENS

1. Dry grinding of metals, or articles of metal, applied by hand to a revolving wheel or disc driven by mechanical power.
2. Turning (external or internal) of non-ferrous metals, or cast iron, or of articles of such metals or such iron, where the work is done dry, other than precision turning where the use of goggles or a screen would seriously interfere with the work, or turning by means of hand tools.
3. Welding or cutting of metals by means of an electrical, oxyacetylene or similar process.
4. The following processes when carried on by means of hand tools or other portable tools -
 - (a) fettling of metal castings involving the removal of metal;
 - (b) cutting out or cutting off (not including drilling or punching back) of cold rivets or bolts from boilers or other plant or from ships;
 - (c) chipping or scaling of boilers or ships' plates;
 - (d) breaking or dressing of stone, concrete or slag.

FIFTH SCHEDULE Section 56

The Factories Act

PARTICULARS TO BE SUBMITTED BY OCCUPIER OF PREMISES (OTHER THAN A FACTORY)
IN WHICH A STEAM BOILER IS USED

1. Name of the occupier of the premises.
 2. Address and location of the premises.
 3. Nature of the work carried on in the premises.
 4. The following particulars in respect of each steam boiler in use -
 - (a) type, description and distinctive number;
 - (b) country and year of manufacture;
 - (c) date of the last thorough examination and name of the person by whom the examination was made;
 - (d) maximum permissible working pressure in kilograms per square centimetres.
-



International Labour Organization

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