

**FIRST SUPPLEMENT TO THE GIBRALTAR
GAZETTE
No. 2,608 of 9th MAY, 1991.**

I ASSENT,
DEREK REFFELL,
GOVERNOR.
9th May, 1991.



GIBRALTAR

No. 12 of 1991.

AN ORDINANCE to amend the Factories Ordinance.

ENACTED by the Legislature of Gibraltar.

Title and commencement.

1. This Ordinance may be cited as the Factories (Amendment) Ordinance 1991 and shall come into operation on such day as the Governor may by notice in the Gazette appoint, and different days may be so appointed for different purposes.

Amendment to Section 6.

2. Section 6 of the Factories Ordinance (hereinafter called “the principal Ordinance”) is amended—

(a) in sub-section (1)—

(i) by omitting the definition of “Director” and substituting therefor the following definition—

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“means the person appointed by the Governor to administer the provisions of this Ordinance;”;

- (ii) by inserting after the definition of “owner” the following new definition—

“place of work” means the location at which any person engaged under a contract of service or for services carries on an activity under such contract whether or not for profit or any category of such place as may be prescribed in relation to any provision of this Ordinance;”;

- (b) in sub-section (4) by inserting after the word “apprentice” the words “and a cadet, being a person engaged under a contract of service in part or whole for the purpose of receiving training,”.

Amendment to Section 9.

3. Section 9 of the principal Ordinance is amended—

- (a) by omitting the expression “of £20” and substituting therefor the expression “at level 4 on the standard scale”;
- (b) by omitting the figure “£5” and substituting therefor the expression “one quarter of the amount at level 4 on a standard scale”.

Amendment to Section 23.

4. Section 23 of the principal Ordinance is amended in sub-section (2) by omitting the expression “of £100” and substituting therefor the expression “at level 5 on the standard scale”.

Amendment to Section 39.

5. Section 39 of the principal Ordinance is amended in sub-section (1)—

- (a) by omitting the expression “of £50” and substituting therefor the expression “at level 4 on the standard scale”.

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- (b) by omitting the figure “£5” and substituting therefor the expression “one tenth of the amount at level 4 on the standard scale”.

Amendment to Section 44.

6. Section 44 of the principal Ordinance is amended in sub-section (3)—

- (a) by omitting the expression “of £100” and substituting therefor the expression “one tenth of the amount at level 5 on the standard scale”.

Amendment to Section 45.

7. Section 45 of the principal Ordinance is amended in sub-section (3)—

- (a) by omitting the expression “of £100” and substituting therefor the expression “at level 5 on the standard scale”.
- (b) by omitting the figure “£5” and substituting therefor the expression “one tenth of the amount at level 5 on the standard scale”.

Amendment to Section 58.

8. Section 58 of the principal Ordinance is amended—

- (a) in sub-section (1) by omitting in paragraph (a) the word “manual”;
- (b) in sub-section (2) by omitting paragraph (f) and substituting therefor the following paragraphs—

“(f) give effect to the law of the European Economic Communities having as its intention the regulation of places of work for the purpose of ensuring the safety, health and welfare of employed persons;

- (g) prescribe anything which may be prescribed under this Ordinance.”;
- (c) in sub-section (3) by omitting the word “manual”;

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(d) by inserting a new sub-section as follows—

“(4) Regulations so made may make provision for the charging of fees where administrative expense may be incurred by the Director in the administration of the regulations.”.

Amendment to Section 49.

9. Section 59 of the principal Ordinance is amended in sub-section (5) by omitting the expression “of £20” and substituting therefor the expression “at level 3 on the standard scale”.

Repeal and replacement of Section 64.

10. Section 64 of the principal Ordinance is repealed and replaced by the following new section—

“64. The Governor may, by order published in the Gazette and subject to such conditions as may be specified in that Order, extend the application of all or any of the provisions of this Ordinance to any place of work or to any category of such place.”.

Amendment to Section 65.

11. Section 65 of the principal Ordinance is amended—

- (a) in sub-section (2) by omitting the words “in Spanish” and substituting therefor the words “in such other language or languages as may be prescribed”;
- (b) in sub-section (3) by omitting the expression “of £5” and substituting therefor the expression “at level 1 on the standard scale”.

Amendment to Section 73.

12. Section 73 of the principal Ordinance is amended—

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- (a) in sub-section (2) by omitting the expression “of £2” and substituting therefor the expression “at level 1 on the standard scale”;
- (b) by omitting the words “Medical Administrator” and substituting therefor the words “Community Physician”.

Amendment to Section 77.

13. Section 77 of the principal Ordinance is amended in sub-section (1) by omitting the word “Governor” and substituting therefor the word “Director”.

Amendment to Section 78.

14. Section 78 of the principal Ordinance is amended—

- (a) in sub-section (1) by omitting all the words after the word “Ordinance” where it appears for the first time and substituting therefor the words “have the powers prescribed by regulation, subject to any limitations therein prescribed, and such regulations may make provision for the creation of offences and penalties in respect thereof.”;
- (b) by omitting sub-sections (2) and (3);
- (c) in sub-section (6) by omitting the expression “of £5” and substituting therefor the expression “at level 1 on the standard scale”.

Amendment to Section 79.

15. Section 79 of the principal Ordinance is amended in sub-section (1)—

- (a) by omitting the words “if so directed in writing by the Governor, may, although he is not a Barrister or Solicitor,” and substituting therefor the word “may”;
- (b) by omitting the final fullstop and substituting therefor a comma and the words “or, with the consent of the Chief Environmental Health Officer, under the Public Health Ordinance.”.

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Amendment to Section 81.

16. Section 81 of the principal Ordinance is amended—

- (a) by inserting after the figure “81.” the figure “(1)”;
- (b) by omitting the expression “of £20” and substituting therefor the expression “at level 3 on the standard scale”;
- (c) by omitting the figure “£5” and substituting therefor the expression “on tenth of the amount at level 3 on the standard scale”;
- (d) by inserting a new sub-section (2) as follows—

“(2) Regulations made under Section 58 may make provision for offences in respect of contraventions of the requirements of those regulations and may impose fines in respect of such offences of a maximum of ten times the amount at level 5 on the standard scale.”.

Amendment to Section 82.

17. Section 82 of the principal Ordinance is amended by omitting the expression “of £5” and substituting therefor the expression “at level 1 on the standard scale”.

Amendment to Section 83.

18. Section 83 of the principal Ordinance is amended by omitting the figure “£200” and substituting therefor the expression “ten times the amount at level 5 on the standard scale”.

Amendment to Section 84.

19. Section 84 of the principal Ordinance is amended by omitting the expression “of £100” and substituting therefor the expression “at level 4 on the standard scale”.

Consequential amendments.

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20. The Public Health Ordinance is amended—

(a) in Section 42(1)—

- (i) by inserting after the word “alter” a comma and the word “renovate”;
- (ii) by omitting the words “or court” and substituting therefor a comma and the words “court or other public place”.
- (iii) by omitting the dash after the word “shall” together with paragraphs (a), (b), (c), (d) and (e) and substituting therefor the words “comply with the requirements of rules prescribing the conditions to be satisfied and the fees to be paid in respect of the closeboard hoarding or fencing of such a building.”;

(b) in section 45(2)—

- (i) by omitting the fullstop at the end of paragraph (b) and substituting therefor a semi-colon;
- (ii) by inserting a new paragraph (c) as follows—

“(c) the fees payable in respect of matters dealt with in paragraphs (a) and (b).”.

Passed by the Gibraltar House of Assembly on the 29th day of April, 1991.

C.M. COOM,

Clerk to the Assembly.