

**SECOND SUPPLEMENT TO THE GIBRALTAR  
GAZETTE**

No. 2,789 of 14th JULY, 1994.

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LEGAL NOTICE No. 62 OF 1994.

**FACTORIES ORDINANCE.**

**FACTORIES (BUILDING) (AMENDMENT) REGULATIONS, 1994.**

In exercise of the powers conferred on him by section 58 of the Factories Ordinance and sections 42 and 337 of the Public Health Ordinance, and of all other enabling powers, the Governor has made the following regulations -

**Title and commencement.**

1. These regulations may be cited as the Factories (Building) (Amendment) Regulations 1994 and shall come into effect on the 1st day of August, 1994.

**Amendment to regulation 2.**

2. Regulation 2 of the Factories (Building) Regulations (hereinafter called "the principal Regulations") is amended in sub-regulation (2) by omitting the words "of Labour and Social Security".

**Amendment to regulation 3.**

3. Regulation 3 of the principal Regulations is amended in the definition of "approved" by omitting the words "of Labour and Social Security".

**Amendment to Part II.**

4. The principal Regulations are amended by inserting after regulation 5 the following new regulations -

**"Permission to erect or substantially add to scaffolds etc.**

5A.(1) Where any structure to which this Part applies is in or abutts on any public place or public highway, it shall not be erected or substantially added to unless -

(a) an application having been made in accordance with subregulation (2), permission to erect or add to, as the case may be, the structure has been granted;

(b) any hoarding which in the view of the authorised officer, is necessary before erecting or adding to the structure, has been erected in accordance with the Building Works (Hoardings) Rules, 1994;

(c) the authorised officer is satisfied that the consent of the Commissioner of Police has been sought and obtained.

(2) An application required in accordance with sub-regulation (1), to erect or substantially add to a structure, shall be made to the authorised officer no later than 15 working days before the date on which it is intended the structure shall be erected or added to:

Provided that in the case of circumstances which, in the opinion of the authorised officer, constitute an emergency, application shall be made within 12 hours of commencement of the erection or addition to the structure and in all other respects, these regulations shall apply.

(3) An application to erect or substantially add to a structure, shall be made in the form prescribed in Part I of Schedule 7.

(4) Where an application made under sub-regulation (2) is granted by the authorised officer and the fees specified in regulation 5H (1) (a) have been paid, a notice shall be issued in the form prescribed in Part II of Schedule 7, and such notice shall constitute permission for the erection of or addition to the structure.

(5) A notice issued under sub-regulation (4), shall specify the date on which the structure may be erected or the addition thereto commenced and the date by which the structure shall have been removed.

(6) A notice issued under sub-regulation (4), shall be displayed on the structure in respect of which it has been issued.

(7) For the purposes of this regulation and regulations 5B, 5C, 5D, 5E and 5F, "authorised officer" means the person approved by the Director for the purpose of the regulation.

**Permission to work from scaffolds etc.**

5B.(1) Where any structure to which this Part applies is in or abutts on any public place or public highway, it shall not be used for the purpose of carrying out any works other than the erection thereof unless -

- (a) it has been inspected and approved in accordance with the provisions of these regulations;
- (b) any hoarding or other measures which, in the opinion of the authorised officer, are necessary to protect users of the public place or public highway whilst works are carried on, on or from that structure, has been erected.

(2) An application for inspection of the structure, shall be made to the authorised officer no later than the working day preceding the day on which it is proposed to commence works on or from the structure (other than the erection thereof):

Provided that in the case of circumstances which, in the opinion of the authorised officer, constitute an emergency, such application may be made on the same day as it is proposed to commence works. ,

(3) An application for inspection in accordance with sub-regulation (2), shall be made in the form prescribed in Part III of Schedule 7.

(4) Where, on an application made under sub-regulation (2) the structure is approved by the authorised officer and the fees specified in regulation 5H have been paid, a notice shall be issued in the form prescribed in Part IV of Schedule 7, and such notice shall constitute permission for the carrying on of building works on or from a structure.

(5) A notice issued under sub-regulation (4), shall specify the date on which it is given and the date on which it expires.

(6) A notice issued under sub-regulation (4), shall be conspicuously displayed on the structure in respect of which it has been issued.

(7) Where an application for inspection is made under sub-regulation (2) and the structure is not approved, an improvement notice in the form prescribed in Part V of Schedule 7 shall be issued.

**Withdrawal of permission.**

5C.(1) If, in the opinion of the authorised officer, a structure in respect of which a permission has been given under regulation 5A or 5B, ceases to comply with the requirements of these regulations, such permission may be withdrawn by the authorised officer in respect of that structure from the time that the officer shall serve notice, in writing, on the person to whom the permission was granted and such notice shall be in the form prescribed in Part VI of Schedule 7.

**Right of access.**

5D.(1) An authorised officer or any of the persons listed in Schedule 8, may enter within an area on which a structure to which regulation 5A or 5B applies, for the purpose of inspecting, repairing, constructing, cleaning or maintaining any installation for which either the Government or such person has responsibility and which is in whole or in part, within the area on which the structure has been erected.

(2) All inspection covers of installations which are the property or responsibility of the Government or a person listed in Schedule 8 which are within the area on which the structure has been erected, shall, at all times, be kept free of obstruction and accessible for the purpose of inspection thereof and carrying out any work thereon.

(3) Where the authorised officer is of the opinion that the provisions of this regulation are not being observed, he may issue a notice, in writing, to the person to whom permission in respect of that structure, was granted under regulation 5A requiring that person to comply with the provisions of this regulation by the time specified in the notice, being a time not more than 12 hours after the time at which the notice was served on that person.

(4) In the event that a person on whom notice has been served under sub-regulation (3), fails to comply with that notice, the authorised officer may withdraw the permission in respect of that structure.

**Obstruction to road drainage.**

5E.(1) No structure to which regulation 5A applies, shall obstruct road drainage.

(2) Where the authorised officer is of the opinion that the provisions of this regulation are not being observed, he may issue a notice, in writing, to the person to whom permission in respect of that structure, was granted under regulation 5A requiring of that person to comply with the provisions of this regulation by the time specified in the notice, being a time not later than 12 hours after the time at which the notice was served on that person.

(3) In the event that a person on whom notice has been served under sub-regulation (2), fails to comply with that notice, the authorised officer may withdraw the permission in respect of that structure.

**Obligation to remedy damage.**

5F.(1) Any damage to any installation falling within regulation 5D or to the public highway which occurs during the construction or demolition of a structure to which these regulations apply or during the time that such structure is in place, shall be remedied to the satisfaction of the authorised officer or a person failing within Schedule 8, as the case may be.

(2) Any damage of the kind referred to in sub-regulation (1), shall be remedied within 24 hours of notice, in writing, of that damage being served on the person to whom permission in respect of the structure, was granted under regulation 5A.

**Application for extension of time.**

5G.(1) Where an application for the erection of the structure has been granted in accordance with regulation 5A the person by whom the application was made, may apply in the form prescribed in Part VII of Schedule 7, to defer the date by which the structure is required to have been removed

(2) Where an application is made under sub-regulation (1) is granted the notice issued under regulation 5A (4) shall be amended to show the revised date, and that revised notice shall be displayed in accordance with regulation 5A (6).

(3) Where an application is made under sub-regulation (1), the application shall be accompanied by the fee specified in regulation 5H (1)(a) in respect of each day by which the application seeks to defer the date by which the structure shall have been removed.

**Fees.**

5H.(1) The fee payable -

- (a) in accordance with regulation 5A(4), shall be £0.50 linear metre for each day of the period specified in the notice issued under that regulation or the days by which the date for removal of the structure, is deferred;
- (b) in accordance with regulation 5B (4), shall be £10.

(2) Where any structure remains in place beyond the date or the deferred date by which the structure shall have been removed and without prejudice to any other provision of the Ordinance, a fee of twice the rate specified in sub-regulation (1)(a), shall be payable."

**Substitution of metric, weights and measures for imperial weights and measures.**

5. In regulations 9, 13 (d), 14 (c) and the proviso to that regulation, 15 (3)(a), 16 (1) (b), the proviso to 17 (1), 19, 20 (1) (b) and (4), 21 (1) and (2), 22 (1) and (2), 23, 24 (2), 25 (2), (4) and (6), 26 (1), (2), (3) and (4), 27 (1) and (2), 30, 32 (2), 35, 59 and 76 and in Schedule 4, metric weights and measures are substituted for imperial weights and measures in accordance with the provisions of the Schedule.

**Amendment to regulation 50.**

6. Regulation 50 of the principal Regulations is amended by omitting the words "of Labour & Social Security".

**New Schedules 7 and 8.**

7. The principal regulations are amended by inserting after Schedule 6, the following two new Schedules -

"SCHEDULE 7.

Regulations 5A 5B and 5G

**PART I**

**FACTORIES ORDINANCE.**

**FACTORIES (BUILDING) REGULATIONS.**

**Application to erect or add to scaffolding.**

We.....of.....  
hereby apply for permission to erect/alter scaffolding as per attached plan, at  
premises situate at.....

The structure is required for a period of ..... days/  
weeks.

Signed (applicant).....

**FOR OFFICE USE ONLY**

Approved.....date.....

Not approved.....

Remarks:

Fee paid £.....

Authorised Officer .....  
(Signature)  
Ministry for the Environment.

**PART II**

**FACTORIES ORDINANCE.**

**FACTORIES (BUILDING) REGULATIONS.**

**AUTHORISED STRUCTURE.**

Permit No.....  
Permit holder..... Location of scaffolding.....  
Issue date..... Date by which scaffolding  
shall be removed .....  
Commencement date .....

This permit is issued under section 58 of the Factories Ordinance and the Factories (Building) Regulations.

Authorised Officer.....  
(Signature)

Ministry for the Environment

**PART III**

**FACTORIES ORDINANCE.**

**FACTORIES (BUILDING) REGULATIONS.**

**APPLICATION FOR INSPECTION.**

We.....of..... hereby  
apply (or the erection of scaffolding erected  
at..... for which permit No..... was  
issued on.....  
Signed (applicant).....Date.....

**FOR OFFICE USE ONLY**

Inspected on (date).....Approved.....  
Approval notice issued on..... (number of approval  
notice).



Not approved ..... Improvement notice No.....  
Issued on.....  
Date of re-inspection.....  
Approved/not approved .....

Fee paid £.....

Authorised Officer.....  
(Signature)  
Ministry for the Environment.

**PART IV**

**FACTORIES ORDINANCE**

**FACTORIES (BUILDING) REGULATIONS**

**APPROVED STRUCTURE**

Permit number of authorised structure .....  
Approval number ..... Permit holder.....  
Date of issue of approval.....  
Date of expiry.....  
This permit is issued under section 58 of the Factories Ordinance and the  
Factories (Building) Regulations.

Authorised Officer.....  
(Signature)  
Ministry for the Environment



And I hereby require you to remedy the said  
contravention, or as the case may be, the matters  
occasioned by them by:.....

In the manner stated in the attached schedule  
which forms part of this notice

Signature.....

Being an Inspector appointed under the Factories  
Ordinance and entitled to issue this notice.

**PART VI**

**FACTORIES ORDINANCE**

**FACTORIES (BUILDING) REGULATIONS**

**PROHIBITION NOTICE**

Name and address: To  
.....  
.....  
.....

(a) Delete as (a) Trading as .....  
necessary

(b) Inspector's full I (b).....  
name

hereby give you notice that I am of the opinion that  
the following activities, namely.....  
.....

(c) Location of which are (a) being carried out by you/about to be  
activity carried out by you/under your control at (c).....

.....  
involve, or will involve (a) a risk/an imminent risk,  
of serious personal injury. I am further of the opinion  
that the said matters involve contraventions of  
the following statutory provisions:

.....  
.....  
because.....  
.....  
.....

And I hereby direct that the said activities shall not  
be carried on by you or under your control (a)  
immediately/after

(d) Date ..... (d) .....  
unless the said contraventions and matters included  
in the schedule, which forms part of this notice had  
been remedied.  
Signature ..... Date .....  
Being an inspector appointed under the Factories  
Ordinance and entitled to issue this notice

**PART VII**

**FACTORIES ORDINANCE.**

**FACTORIES (BUILDING) REGULATIONS.**

**APPLICATION FOR EXTENSION OF TIME**

We.....of.....  
hereby apply for an extension permit No.....

The reasons for extending the period of validity are the following:-

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

Signature applicant.....Date.....

FOR OFFICE USE

Approved ..... date ..... Not approved.....

Fee paid £.....

Authorised Officer.....

(Signature)

Ministry for the Environment.

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**SCHEDULE 8.**

Regulation 5D

**Persons with right of access to areas obstructed by scaffolding etc.**

Commissioner of Police, City Electrical Engineer, Ministry for the Environment, Support Services Department, Department of Building and Works, Gibraltar Nynex Communications Ltd, Lyonnaise Des Eaux (Gibraltar) Ltd., Property Services Agency."

**SCHEDULE**

Regulation 5

**Conversion from imperial weights and measures to metric weights and measures**

**PART I**

**Linear measure.**

The imperial measure in the left hand column of this Part, shall be replaced by the equivalent metric measure in the right hand column.

Feet	Inches	Millimetres
	1	25
	1 1/4	32
	1 1/2	38
	2	51
	6	152
	8	203
	12	305
	17	432
	24	610
2		610
	25	635
	27	686
2	3	686
2	6	762
	34	864
3		914

Feet	Inches	Millimetres
3	3	991
3	6	1067
5		1524
6	6	1981
8	6	7591
10		3048
10	6	3200
15		4572
30		9144

**PART II**

**Surface measure**

Square inches	Square centimeters
6	40.00

**PART III**

**Weight**

Ton	Tonne
1	1

Dated this 14th day of July, 1994.

By Command,  
A. CARTER,  
Deputy Governor