

Subsidiary Legislation made under ss. 58 and 78.

## **Factories (Inspection) Regulations, 1994**

**LN. 1994/067**

*Commencement*

**1.8.1994**

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### **ARRANGEMENT OF REGULATIONS**

Regulation

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**Title and commencement.**

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

**Interpretation.**

2. In these Regulations, unless the context shall otherwise require—

“Inspector” means a person appointed under section 77 of the Act to be an inspector.

**Right of entry and inspection.**

3. An inspector shall, for the purpose of execution of the Act, have power –

- (a) to enter, inspect and examine at all reasonable times by day or by night, the 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 high inflammable materials are stored or used:

Provided that the inspector shall, whenever it is practicable so to do, and would not, in his opinion, defeat the object of his inspection, notify the occupier or some other person in authority at a factory, of his arrival at the factory for the purpose of inspecting it;

- (b) to make such examination and enquiry as may be necessary to ascertain whether the provisions of this Act are complied with, so far as respects the factory and any persons employed in a factory.

(2) Where an inspector, in exercise of his powers in subregulation (1), has reasonable cause to apprehend any serious obstruction in the execution of his duty, he may take with him a police officer.

**Inspection of documents.**

4.(1) An inspector may require the production of the registers, certificates, notices and documents required to be kept in pursuance of this Act and may inspect and examine any of them.

(2) Where the inspector has required the production of any of the registers, certificates, notices or documents required to be kept in pursuance of this Act, he may copy or require that

a copy be made of them and may retain such copy and may require that copy to be in written form where such register, certificate, notices or documents have been kept in some other form.

**Powers of questioning.**

5.(1) An inspector may require any person whom he finds in a factory, to give to him such information as is in that person's power to give, as to who is the occupier of the factory.

(2) An inspector may examine either alone or in the presence of any other person, as he thinks fit, with respect to matters provided for in the Act, every person whom he finds in a factory, or whom he has reasonable cause to believe, to be or to have been within the preceding two months employed in a factory, and may require every such person to be so examined and to sign a declaration of the truth of the matters in respect of which he is so examined:

Provided that no one shall be required under this provision to answer any question or give any evidence tending to incriminate himself.

**Inspection by a medical practitioner.**

6. In the case of an inspector who is a medical practitioner, the inspector may carry out such medical examinations as may be necessary for the purpose of his duties under the Act.

**Limitation of powers.**

7.(1) An inspector, in the exercise of the powers given to him in these Regulations—

- (a) shall be prohibited from having any direct or indirect interest in any premises or places which may be subject to inspection by him;
- (b) shall not, in so far as may be necessary for the proper performance of his duties, reveal at any time even after ceasing to be an inspector, any manufacturing or commercial secrets or working processes which may come to his knowledge in the course of his duties;
- (c) shall, except in so far as may be necessary for the proper performance of his duties, treat as absolutely confidential the source of any complaint bringing to his notice a defect or a breach of the provisions of the Act or any regulations or orders made thereunder, or any recognised conditions of employment; and
- (d) shall not, in any case, give information to the employer or his representative that a visit of inspection was made as a consequence of the receipt of such a complaint.

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(2) An inspector who contravenes the provisions of subregulation (1), is guilty of an offence and is liable on summary conviction to a fine at level 2 on the standard scale.

**Provision of assistance to an inspector.**

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

(2) If any person wilfully delays an inspector in the exercise of any of his powers under the Act or fails to comply with the requisition of an inspector in pursuance of these Regulations, or to produce any register, certificate, notice or document which he is required by or in pursuance of the 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 duty under the Act.

(3) Where an inspector is obstructed in the execution of his powers or duties under the Act, the person obstructing him, is guilty of an offence and is liable on conviction to a fine at level 2 on the standard scale, and where an inspector is so obstructed in a factory, the occupier of that factory is guilty of an offence.