

BELIZE
FACTORIES ACT

Arrangement of sections

PART I

Preliminary

1. Short title.
2. Interpretation.
3. Appointment of Chief Factory Inspector.
4. Supervision of factories and machinery.

PART II

Factories Appeal Board

5. Constitution of Factories Appeal Board.

PART III

Registration of Factories

6. Factories to be registered.
7. Register of factories to be kept.
8. Registration of existing factories.
9. New factories; applications for permits to erect.
10. Registration of new factory.
11. Registration to be renewed.

PART IV

Regulations

12. Regulations.

PART V

Miscellaneous

13. Penalty.
14. Returns.
15. Factory ceasing to operate.
16. Certificate to be exhibited.
17. Penalty.
18. Inspection.
19. Penalty for obstruction.
20. Accidents to be reported.
21. Penalty.
22. Expenses.

PART I
Preliminary

Commencement: 12th April, 1943

Short title.

1. This Act may be cited as the Factories Act.

Interpretation.

2. In this Act, unless the context otherwise requires:-

"Board" means the Factories Appeal Board constituted in accordance with section 5;

"existing factory" means any factory-

- (a) which is in operation on the date of the coming into force of this Act; or
- (b) which has been in operation at any time during the period of nine months immediately preceding the date of the coming into force of this Act; or
- (c) which has been newly erected or completed either during such period of nine months, or after the date of the coming into force of this Act, and which commences to operate not later than three months after such date of coming into force;

"factory" means any premises wherein or within the close or curtilage or precincts of which, steam, electric, water or other mechanical power is used in aid of any industrial or manufacturing process carried on therein for gain;

"Inspector" means any person appointed in accordance with section 3;

"machinery" means all machines and parts of machines used in a factory and includes-

- (a) stationary or portable boilers in a factory;
- (b) steam or other engines in a factory;
- (c) all apparatus or appliances for generating, developing, receiving

or transforming, or for measuring or testing the volume, voltage, pressure or frequency of, or for distributing or applying, any mechanical, electric or natural power to any industrial or manufacturing process in a factory;

(d) furnaces and fuel or storage tanks situate within, opening into or attached to the structure of, or directly connected with, any factory;

(e) locomotives when operated within the curtilage of any factory;

(f) vats, tanks, cooling or drying devices used for the storage of, or otherwise in connection with, the product of any mechanical process, and situate within or attached to the premises within which such process is carried on;

"new factory" means any factory-

(a) which first com than three months after the date of the coming into force of this Act; or

(b) which, having previously been in operation, has ceased to operate at least nine months before the date of the coming into force of this Act, and which recommences to operate at any time after the date of such coming into force;

"rules", "regulations" mean, respectively, rules and regulations made under this Act;

"woman" means a woman who has attained the age of eighteen years;

"young person" means a person who has attained the age of fourteen years and has not attained the age of eighteen years.

Appointment of Chief Factory Inspector.

3.(1) Governor-General may, from time to time, appoint a Chief Factory Inspector for the purpose of this Act and from the date of the coming into operation of this Act and, until the Governor-General otherwise appoints, the person holding the appointment of Labour Commissioner for the time being, shall be deemed to be the Chief Factory Inspector.

3. (2) The Public Services Commission may, from time to time, appoint Inspectors to assist the Chief Factory Inspector in giving effect to the provisions of this Act.

Supervision of factories and machinery.

4. (1) The supervision of all factories and of all machinery shall be exercised by the Chief Factory Inspector and, subject to his directions, by Inspectors appointed as provided for by this Act.

4. (2) The Chief Factory Inspector may from time to time delegate the exercise of all or any of his powers and duties under this Act to such Inspectors as he may think fit.

PART II

Factories Appeal Board

Constitution of Factories Appeal Board. 40 of 1963.

5.(1) The Minister shall appoint a Factories Appeal Board for the purpose of hearing and determining appeals from the decision of the Chief Factory Inspector in accordance with the provisions of this Act.

5. (2) The Board shall consist of not more than five members of whom one shall be appointed by the Minister to be the Chairman.

5. (3) Two at least of the members of the Board, hereinafter referred to as "unofficial members," shall be persons who are not directly or indirectly employed in the public service of Belize.

5. (4) The Minister may fill any vacancy on the Board caused by the death, resignation, illness, absence from Belize or inability to act of any member thereof, and may at any time revoke the appointment of any member of the Board:

Provided that any vacancy on the Board caused by death, resignation, illness, absence from Belize, inability to act or revocation of the appointment of any unofficial member shall be filled within thirty days of the occurrence thereof by the appointment of another unofficial member.

5. (5) Notwithstanding any temporary vacancy or vacancies, the Board shall be deemed to be fully constituted for the purposes of this Act.

5. (6) Three members shall form a quorum for the transaction of business, and may do anything required to be done by the Board: Provided that the Board shall not determine any appeal in accordance with the provisions of this Act, unless at least one unofficial member of the Board is present at the determination of such appeal.

5. (7) The Board may, from time to time with the approval of the Minister, make rules for the transaction of its business, and in particular for determining the procedure to be followed upon the hearing of any appeal by the Board and

the times at which, and the manner in which, any such appeal shall be heard and determined.

PART III Registration of Factories

Factories to be registered.

6. Every existing factory and every new factory shall be registered as provided for by this Act.

Register of factories to be kept.

7. From and after the date of the coming into operation of this Act, the Chief Factory Inspector shall keep a register of factories, and shall cause to be entered therein from time to time, in respect to every factory registered in accordance with the provisions of this Act, the particulars specified in this Part.

Registration of existing factories.

8. (1) Not later than fourteen days after the date of the coming into operation of this Act, every person who is the owner, manager or person having the control of any existing factory, shall apply to the Chief Factory Inspector to have such factory registered as an existing factory:

Provided that in the case of any existing factory the erection of which is not completed at the date of the coming into force of this Act, the Chief Factory Inspector may extend the time for application for such further period not exceeding ten weeks, as he may think fit.

8. (2) Every application under subsection (1) shall be made in writing, and shall set out the following particulars:-

- (a) the name of the owner of the factory to which the application relates;
- (b) the address and location of the factory;
- (c) the nature and the objects of the process of manufacture carried on at the factory;
- (d) the nature of the mechanical power used in the factory for the purpose of carrying on such process; and
- (e) the number of employees employed in the factory at the date of the application or, if such number is not the number normally employed when the factory is engaged in the industrial or manufacturing process

carried on therein, the number of employees normally employed when the factory is so engaged.

8. (3) Upon receipt of an application under this section, the Chief Factory Inspector shall cause the factory to which the application relates to be inspected.

8. (4) If the Chief Factory Inspector, after inspection, considers either-

(a) that any part of the ways, works, machinery or plant used in a factory is in such a condition, or is so constructed or so placed, that it cannot be used without imminent risk of bodily injury to any person; or

(b) that any process or work is carried on, or that anything is or has been done in any factory, in such a manner as to cause imminent risk of bodily injury to any person,

he may refuse registration until such steps have been taken as are, in his opinion, necessary to remove the danger complained of

8. (5) If after inspection the Chief Factory Inspector is satisfied that no grounds exist for refusing registration, he shall, upon payment of the prescribed fees, cause the factory to be registered and a certificate of registration in the prescribed form to be issued to the owner, manager or person having the control of the factory.

8. (6) Any person who is aggrieved by the refusal of the Chief Factory Inspector to grant a certificate of registration in accordance with the provisions of this section, may, within twenty-one days of such refusal, appeal to the Board as provided for by any rules.

8. (7) On the hearing of any such appeal, the Board shall, unless it is satisfied that the factory does not comply with the requirements of the Chief Factory Inspector, direct the Chief Factory Inspector to register the factory, and the Chief Factory Inspector shall register the factory.

8. (8) The Board may make such order for the payment of the costs of the appeal as it may in its discretion think fit.

New factories; applications for permits to erect.

9. (1) From and after the coming into operation of this Act, every person who intends to erect or to cause to be erected a new factory, or any new building appurtenant to a factory, shall, before commencing the erection thereof, apply in writing to the Chief Factory Inspector for a permit to erect such new factory or building, and shall with such application furnish to the Chief Factory Inspector-

(a) drawings showing the elevation, sections and plans of each floor

of the factory or building, drawn to such scale as the Chief Factory Inspector may from time to time require, and showing further the position, form, materials and dimensions of the several parts of the factory or building and of every dwelling house, closet or latrine, store or other place intended to be used in connection with the factory or building, and the position, form, arrangement and dimensions of any machinery intended to be placed therein; and

(b) a block plan, drawn to such scale as the Chief Factory Inspector may require, showing the position of all buildings and appurtenances which it is proposed to erect within the curtilage of the factory, or which are already in existence, or which are intended to be used or occupied in connection with the factory; and

(c) such other information in writing as the Chief Factory Inspector in any case may require.

9. (2) Within thirty days of the receipt of any application for a permit under subsection (1), the Chief Factory Inspector shall notify the applicant in writing either that the application has been granted, subject to payment of the prescribed fees, or that it will not be granted until the applicant has fulfilled the specified requirements of the Chief Factory Inspector as to the design and dimensions of the proposed factory or building, and the materials and safety devices to be used in the construction thereof:

Provided that the Chief Factory Inspector in any case may refuse unconditionally to grant such permit upon specifying the grounds of refusal.

9. (3) In any case where the Chief Factory Inspector fails within thirty days of the receipt of any application for a permit either to grant or to refuse such permit, whether conditionally or unconditionally, he shall be deemed to have granted the permit unconditionally.

9. (4) Any person who is aggrieved by the refusal of the Chief Factory Inspector to grant a permit, or by any condition attached by him to the grant of a permit, in accordance with the provisions of subsection (2), may within thirty days of the notice of refusal under this section, notify the Chairman of the Board in writing of his intention to appeal to the Board, and of the grounds of such appeal.

9. (5) On receipt of any notice of appeal as provided for by subsection (4), the Chairman shall appoint a day and place for the hearing of the appeal, and shall notify the members of the Board, the party aggrieved and the Chief Factory Inspector of the day and place so appointed.

9. (6) On the hearing of the appeal, the Board may either grant the permit, whether unconditionally or upon conditions, or may refuse to grant the

permit, and the Board may make such order for the payment of the costs of the appeal as it may in its discretion deem fit.

9. (7) Any person who erects or who causes to be erected any new factory without having first obtained a permit from the Chief Factory Inspector, or from the Board, in accordance with the provisions of subsection (2) or subsection (6) commits an offence, and is on summary conviction liable to a fine not exceeding five hundred dollars, or to imprisonment for a term not exceeding six months.

Registration of new factory.

10. (1) On the completion of any new factory, the person in whose name a permit to erect such factory was granted in accordance with section 9, shall notify the Chief Factory Inspector of the completion.

10. (2) Within seven days of the receipt of any notification under subsection (1), the Chief Factory Inspector shall cause the factory to be inspected and-

(a) if he is satisfied that the factory has been erected in accordance with the terms of the permit, he shall cause the factory to be registered, and shall issue a certificate of registration to the owner, manager or other person having the control of the factory; or

(b) if he is not so satisfied, he shall refuse to register such factory until such additions or alterations have been made as, in his opinion, are necessary to cause the factory to be erected in compliance with the terms of any permit which has been granted in accordance with section 9.

10.(3) Any person who is aggrieved by the refusal of the Chief Factory Inspector to grant a certificate of registration in accordance with subsection (2), may, within twenty-one days of such refusal, appeal to the Board as provided for by any rules.

10. (4) On the hearing of any such appeal, the Board shall, unless it is satisfied that the factory has not been erected in compliance with the terms of the permit, direct the Chief Factory Inspector to register the factory, and the Chief Factory Inspector shall register the factory, and the Board may make such order for the payment of the costs of the appeal as it may in its discretion think fit.

Registration to renewed.

11. (1) Every certificate of registration issued under this Act in respect of a factory shall remain valid for a period of twelve months from the date of issue and shall then expire, and application shall be made to the Chief Factory Inspector for a renewal of registration for a further period of twelve months, in accordance with the provisions of this Part relating to an original application for registration.

11. (2) The Chief Factory Inspector may in any case refuse to renew a registration certificate, but every such refusal shall be subject to an appeal to the Board in like manner as in the case of a refusal of original registration.

PART IV ***Regulations***

Regulations. [40 of 1963.]

12. (1) The Minister may from time to time make regulations generally for giving effect to the purposes of this Act, and for the purpose of ensuring the health or safety of persons who are employed in any factory or in connection with machinery, and in particular, and without prejudice to the generality of the foregoing provisions, any such regulations may provide for-

- (a) the safe means of approach or access to, and exit from, any factory or machinery;
- (b) the fencing and covering of all dangerous places or machines;
- (c) life saving and first aid appliances;
- (d) securing safety in connection with all operations carried on in a factory;
- (e) securing safety in connection with the use of cranes, winches, pulley-blocks and of all engines, machinery, mechanical gear and contrivances generally whatever;
- (f) the periodic inspection, testing and classification, according to age, type or condition, of boilers, and for the issue and display of certificates in connection therewith, and for the regulating of the type of safety valves to be fixed to any boiler and the maximum pressure at which boilers of any age, type, class or condition may be operated;
- (g) the duties and responsibilities assignable to any person generally, and in particular to employers, owners and managers in charge of factories, in connection with anyone or more of such regulations;
- (h) the proper ventilation of any factory, having regard to the nature of the process carried on therein;
- (i) the sanitation, including the provision of lavatory accommodation, having regard to the number of workers employed, at any factory;

(j) the number of hours a week to be worked, the period of employment in anyone day and the intervals for rest and meals for every woman and young person employed in a factory and the requirement of a certificate of fitness for every such woman and young person;

(k) the fees to be paid for the registration and renewal of registration of any factory or of any class of factory, and for the inspection and examination of any factory or class of factory and any machinery therein:

Provided that in no case shall the fee for registration or re-registration, including inspection and examination, exceed one hundred dollars;

(l) the forms and certificates to be used under the provisions of this Act.

12. (2) All regulations made under this section shall not have any force or effect until they have been approved by the National Assembly and when so approved by resolution shall be published in the *Gazette* and as from the date of such publication shall have the same force and effect as if they were contained in and formed part of this Act.

PART V ***Miscellaneous***

Penalty.

13. Any person who causes or permits any factory, other than a factory duly registered under a valid certificate of registration in pursuance of this Act, to be operated at any time subsequent to the coming into force of this Act commits an offence, and is on summary conviction liable to a fine not exceeding two hundred and fifty dollars and to a further fine not exceeding fifty dollars for every day upon which the offence continues after conviction:

Provided that, except in cases where the Chief Factory Inspector otherwise directs, nothing in this section shall be construed as requiring a factory which is in operation to cease to operate during the period when an application for the registration thereof is under consideration.

Returns.

14. (1) The owner, manager or other person having control of any factory registered in accordance with the provisions of this Act shall make an annual return on such date and in such form as may be specified by the Chief Factory Inspector, and in such return shall set forth any alterations in, or additions to, the premises of the factory or the processes carried on therein, or any changes in the identity of the persons owning or having the management or control thereof,

since the last registration of such factory or the making of the last preceding annual return in respect thereof

14. (2) Within fourteen days of the receipt of any return pursuant to the provisions of subsection (1), the Chief Factory Inspector shall cause any necessary amendments to be made to the register and to the certificate of registration of the factory in respect of which such return is made.

Factory ceasing to operate.

15. The Chief Factory Inspector at any time on being satisfied that any factory registered under this Act has ceased to be operated as a factory, may cancel the registration of the factory.

Certificate to be exhibited.

16. The owner, manager or other person having control of any factory registered in accordance with the provisions of this Act shall cause the last issued certificate of registration pursuant to section 8 or 10 or 14 to be at all times exhibited in a conspicuous place in the factory in respect of which such certificate is issued.

Penalty.

17. Every person who contravenes or who fails to comply with the provisions of section 14, 16 or 20, commits an offence, and is on summary conviction liable to a fine not exceeding two hundred and fifty dollars, and to a further fine of twenty dollars for every day upon which the offence continues after conviction.

Inspection.

18. It shall be lawful for the Chief Factory Inspector and any Inspector by him appointed for the purposes of this Act to enter upon the premises of any factory, and to inspect the factory and any machinery therein at any reasonable time.

Penalty for obstruction.

19. Any person who obstructs or impedes the Chief Factory Inspector, or an Inspector, in the execution of any of his duties under this Act commits an offence, and is on summary conviction liable to a fine not exceeding five hundred dollars and in default of payment to imprisonment for a term not exceeding six months.

Accidents to be reported.

20. Where any fire or accident occurs in any factory which results in the death of, or bodily injury to, any person, or whereby any person is prevented from returning to work for at least forty-eight hours next after the occurrence of such accident, the manager of the factory or person having control of the machinery in the factory shall forthwith report the occurrence of such fire or accident to the

Chief Factory Inspector, and in connection therewith shall furnish such particulars as the Chief Factory Inspector in any case from time to time may require.

Penalty.

21. Any person who contravenes or fails to comply with any of the provisions of this Act, or of any regulations, for which no penalty is expressly provided by this Act commits an offence, and is on summary conviction liable to a fine not exceeding two hundred and fifty dollars, and in default of payment to imprisonment for a term not exceeding three months, and for a continuing offence shall be liable to a further fine not exceeding twenty-five dollars for every day during which the offence continues after conviction.

Expenses.

22. All expenses necessary for giving effect to the purposes and provisions of this Act shall be paid out of the Consolidated Revenue Fund.