



SUPPLEMENT No. 2
TO
THE SOVEREIGN BASE AREAS GAZETTE
No. 860 of 23rd August, 1989.
LEGISLATION

ORDINANCE 15 OF 1989.

AN ORDINANCE

TO AMEND THE FACTORIES ORDINANCE

J.P.W. FRIEDBERGER
ADMINISTRATOR

2nd August 1989.

BE it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows :—

1. This Ordinance may be cited as the Factories (Amendment) Ordinance, 1989 and shall be read as one with the Factories Ordinance, as amended from time to time (hereinafter referred to as “the principal Ordinance.”).

Short title.
Cap. 134 (Laws of Cyprus).
Ordinances 22/64, 12/72 and 9/82.

2. Section 4 of the principal Ordinance is hereby amended by inserting immediately thereafter, the following proviso :—

Section 4 of the principal Ordinance amended.

“Provided that the provisions of Part V shall apply, in relation to factories, also in relation to establishments or any work premises, whether they be factories or not, wherein there may be installed or used, for purposes of deriving profit or for conducting a business, any power driven machine, transmission machinery or any other machinery or installations which move or are designed to move by mechanical power and, in such circumstances, the provisions of Section 87, Parts X and XI, shall apply to these establishments or work premises as they apply in relation to factories.”.

3. The principal Ordinance is hereby amended by repealing Section 24 thereof.

Section 24 of the principal Ordinance repealed.

4. Section 25 of the principal Ordinance is hereby amended—

Section 25 of the principal Ordinance amended.

(a) by deleting subsections (1) and (3) thereof ; and

(b) by deleting the words "last four" appearing in the fourth line of subsection (6) thereof.

5. Section 26 of the principal Ordinance is hereby repealed and the following new Section substituted therefor :—

"Fencing of
machinery.

26.—(1) Every dangerous part of any machinery used or forming part of the factory equipment thereof must be securely fenced unless it is in such position or of such construction as to be as safe in relation to any person lawfully in a factory as it would be if securely fenced :

Provided that any machinery which is in the process of installation, repair, assembly, construction or testing prior to the initial operation at the factory or elsewhere, shall be deemed, for the purposes of this subsection to form part of the factory equipment.

(2) For the purposes of this Section, a machine part is deemed to be dangerous where—

(a) it is in itself dangerous :

Provided that mobile parts of power driven machines including flywheels and transmission machinery, are deemed to be dangerous ;

(b) it may be dangerous if connected with any other part of the machine or with any part of another machine ;

(c) it may be dangerous if connected with any part of the factory structure ;

(d) it may be dangerous if connected with any material in the machine.

(3) Where the safety of a dangerous part of any machine cannot, because of the nature of the work performed by the machine, be secured by a stable fender, the provisions of subsection (1) shall be deemed to be satisfied, if a device is provided which automatically prevents the contact of such dangerous part with any person lawfully on the premises or his clothing or if such device stops the machine forthwith, if any person lawfully on the premises approaches the said dangerous part.

(4) Where the Chief Officer is satisfied that a safety device of any type or description is available and suitable in relation to any class of machinery which—

(a) prevents the exposure of a dangerous part of a machine while it is in motion ; or

(b) stops the machine forthwith in case of danger ;

he may by Order published in the Gazette, direct the use of the said device in relation to the class of machinery specified in the Order :

Provided that, in any proceedings in relation to the contravention of this subsection, it will constitute an adequate defence, to prove that a device which was at least equally effective was being used, in connection with the machinery in respect of which the proceedings were instituted.

(5) (a) In determining, for the purposes of subsection (1) whether a mobile part of machinery is in such position or of such construction as referred to in the said subsection, no account shall be taken of—

(i) any person carrying out, while the part of machinery is in motion, any maintenance, lubrication or adjustment thereof, which cannot be carried out when the part is motionless :

Provided that while the above operations are in process the motion of the said part must be as slow as possible:

Provided further that the provisions of this subsection refer only to the specific part of the machinery on which the aforesaid work is being carried out and not to any other dangerous parts ;

(ii) any use of driving belts where the machinery is used in any continuous process which has been certified in writing by the Chief Inspector and in compliance with any conditions which may be included in the said certificate.

(b) The Chief Officer may, by order published in the Gazette, specify conditions with regard to the class of persons who are authorised to carry out the work referred to in paragraph (a) of subsection (5) and may in addition specify in such order any precautions which must be taken in the course of such work.

(6) Every machine which is intended to be driven by mechanical power must be provided with an effective starting and stopping device, the control of which must be so positioned that it can readily and conveniently be operated by the person using the machine.

Section 27 of the principal Ordinance repealed and replaced.

6. Section 27 of the principal Ordinance, is hereby repealed and the following new Section substituted therefor :—

“Fencing of materials in machinery.

27.—(1) Any part of a stock-bar which projects beyond the headstock of a lathe must be securely fenced unless it is in such a position as to be as safe in relation to any person lawfully in the factory as it would be if securely fenced.

(2) The Chief Inspector may, in respect of any machine or any process in which a machine is used, direct by Order published in the Gazette, the fencing of materials or articles which are dangerous while in motion in the machine.”.

New Section 27A added to the principal Ordinance.

7. The principal Ordinance is hereby amended by inserting immediately after Section 27 thereof the following new Section to be numbered 27A :—

“Ejection from machinery.

27A. Whenever there appears to be danger of any part of a machine or of the materials undergoing process ejecting in such a way that bodily harm may be caused to any person who may lawfully be in the factory, all possible measures for safeguarding against such danger, must be taken.”.

Section 28 of the principal Ordinance repealed and replaced.

8. Section 28 of the principal Ordinance is hereby repealed and the following new Section substituted therefor :—

“Construction and maintenance of fencing.

28.—(1) Every fender and other safety devices provided in pursuance of this Part of the Ordinance must be of substantial construction, must be constantly maintained and kept in position while the parts which are required to be safeguarded are in motion, irrespective of speed or purpose of such motion, except—

- (a) in so far as such parts are necessarily exposed as provided in paragraph (a) of subsection (5) of Section 26 and all conditions specified in any Order issued under paragraph (b) of subsection (5) of Section 26 are complied with ; or
- (b) in so far as such parts are necessarily exposed and the motion thereof is controlled by a motion checking device ; or
- (c) in so far as motion is generated manually and such parts are necessarily exposed, provided that—
 - (i) the machine is isolated from any source of mechanical power ; and

- (ii) the construction, maintenance, repair or adjustment of the machine is carried out by a person appropriately trained to this effect.

(2) In this Section 'motion checking device' means a device which regulates a restricted, pre-determined number of movements every time the device is activated and no device shall be deemed to satisfy the conditions of paragraph (b) of subsection (1) unless the motion allowed is as slow as is reasonably possible, taking into account the nature of the work carried out."

9. Section 29 of the principal Ordinance is hereby repealed and the following new Section substituted therefor :—

Section 29 of the principal Ordinance repealed and replaced.

"Vending and leasing of machinery.

29.—(1) After the fixing by the Chief Officer of a date published in a notification in the Gazette, no person shall sell, lease, promote or solicit the sale or lease of any machinery to be used in establishments or at work places in relation to which this Ordinance applies, unless every part of such machinery is in compliance with the provisions contained in this Part of the Ordinance and of the Regulations made thereunder.

(2) No person shall display or expose any machinery either at a factory or elsewhere unless every dangerous part of the machinery is effectively fenced during the full time when such part is likely to place into danger either the person operating the machine or any other person, unless such part is so positioned that it is as safe in relation to any person as if it were effectively fenced.

(3) Any person who either sells or otherwise disposes of any machinery or installation specified in the Third Schedule to this Ordinance must notify the Chief Inspector accordingly, giving the specific details pertaining to the machinery or installation disposed of :

Third Schedule.

Provided that this subsection shall not apply where a machinery is to be sold or transferred for storage, or to be rendered useless or renovated, but such machinery shall neither be sold, leased nor transferred in any other way, or displayed following its storage or renovation, unless it is fenced in accordance with the provisions of this Section.

(4) Any person who shall act in contravention of subsections (1) and (2) of this Section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding three hundred pounds."

10. The principal Ordinance is hereby amended by repealing Section 46B thereof.

Section 46B of the principal Ordinance repealed.

THIRD SCHEDULE

(Section 29(3))

1. Passenger elevators.
2. Hoists for goods.
3. Construction elevators.
4. Hydraulic jacks.
5. Distyle or tetrastyle electric jacks.
6. Electrohydraulic jacks.
7. Construction cranes.
8. Mobile hydraulic hoisting assemblies.
9. Winches.
10. Construction roof hoists.
11. Overhead travelling cranes.
12. Steam boilers.
13. Steam receivers.
14. Air receivers.

17th August, 1989.
(107/8)

A.J.H.ADAMS,
Chief Officer.
