L.N. 22 of 1996

OCCUPATIONAL HEALTH AND SAFETY (PROMOTION) ACT, 1994 (ACT NO. VII OF 1994)

Factories (Health, Safety and Welfare) (Amendment) Regulations, 1996

IN exercise of the powers conferred by sections 6 and 16 of the Occupational Health and Safety (Promotion) Act, 1994, the Minister of Education and Human Resources, in consultation with the Commission for the Promotion of Occupational Health and Safety, has made the following regulations:—

Citation.

1. These regulations may be cited as the Factories (Health, Safety and Welfare) (Amendment) Regulations, 1996, and shall be read and construed as one with the Factories (Health, Safety and Welfare) Regulations, 1986, hereinafter referred to as "the principal regulations".

L.N. 52 of 1986.

Amends regulation 2 of the principal regulations.

2. Regulation 2 of the principal regulations shall be amended as follows:—

(a) the whole provision shall be renumbered as paragraph (1) thereof;

(b) in paragraph (1) as renumbered, immediately before the definition of "Director" there shall be inserted the following definition:—

" "Act" means the Occupational Health and Safety (Promotion) Act, 1994; "; and

Act No. VII of 1994.

(c) immediately after paragraph (1) as renumbered, there shall be added the following new paragraph:—

" (2) In these regulations, words and expressions defined in the Act shall have the same meaning as they have in these regulations, and the provisions of these regulations shall be read and construed in conjunction with the said Act.".

Substitutes regulation 56 of the principal regulations.

3. For regulation 56 of the principal regulations there shall be substituted the following:—

"Powers of inspectors.

56. (1) Every employer shall give to inspectors all reasonable facilities and all such information they may require for the purpose of ascertaining whether the provisions of the Act and the regulations operative by virtue of the Act are being complied with.

(2) For the purpose of carrying into effect any of these regulations an inspector may exercise the powers set out below:—

(a) to take with him a member of the Police force to ensure the execution of his duty;

(b) to take measurements, photographs or recordings as he considers necessary for the purpose of any examination or investigation;

(c) to take samples of any article or substance found in the workplace or within its curtilage or outside in its vicinity for the purposes of the Act and ensure that they are available for use as evidence in any proceedings taken by virtue of the provisions of the Act;

(d) to inspect any book or document in possession of the employer the keeping of which is prescribed by the act or by any regulations made thereunder or any other book or document held by the employer and inspection of which is required for the investigation of issues relating to health and safety at that place of work; and

(e) for the purposes of a prosecution for any offence under the Act, to disclose to the court such results or information he receives or collects during the course of his investigations.

(3) No person shall molest or disturb inspectors in the performance of their duties or provide them with misleading information or break or tamper with any seal or with any monitoring equipment installed, put up or left by them in a place of work or on a worker in the case of personal monitoring equipment.".

Repeals regulations 58 to 60 of the principal regulations.

4. Regulations 58, 59 and 60 of the principal regulations shall be repealed.

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