

L.N. 25 of 1984

FACTORIES ORDINANCE (CAP. 169)

Power Presses Regulations, 1984

IN EXERCISE of the powers conferred by section 3 of the Factories Ordinance, the Minister of Labour and Social Services has made the following regulations:—

Citation and commencement.

1. (1) These regulations may be cited as the Power Presses Regulations, 1984.

(2) These regulations shall come into force after twenty-one days from the day on which they are laid on the Table of the House of Representatives in accordance with the provisions of subsection (3) of section 3 of the Factories Ordinance, which date shall be notified by the Minister of Labour and Social Services by notice in the Gazette.

Interpretation.

2. In these regulations, unless the context otherwise requires —
“approved” means approved by certificate of the Director of Labour;

“clutch mechanism” means, in relation to a power press, a device designed to impart when required the movement of the fly-wheel to any tool;

“factory” has the same meaning as is assigned to it by section 2 of the Ordinance insofar as a power press is installed or used in any such premises;

“fixed fencing” means fencing provided for the tools of a power press being fencing which has no moving parts associated with or dependent upon the mechanism of a power press and includes that part of a closed tool which acts as a guard;

“Ordinance” means the Factories Ordinance;

“power press” means a power-driven press or press brake used wholly or partly for the working of metal by means of tools or for the purpose of die proving, and which embodies a flywheel and a clutch mechanism;

“safety device” means the fencing and any other safeguard provided for the tools of a power press in pursuance of requirements imposed by or under the Ordinance.

Application and operation.

3. (1) Subject to paragraph (2) of this regulation, these regulations apply to every factory in which any power press is used.

(2) Nothing in these regulations shall apply as respects any power press when used for working hot metal, or which is not being used for working cold metal and is intended next to be used for working hot metal.

(3) The provisions of these regulations are in addition to and not in substitution of or in diminution of other requirements imposed by or under the Ordinance.

Appointment of persons to prepare power presses for use.

4. (1) Except as provided in paragraph (5) of this regulation, no person shall set, re-set, adjust or try out the tools on a power press or install or adjust any safety device thereon, being installation or adjustment preparatory to production or die proving, or carry out an

inspection and test of any safety device thereon required by regulation 7, unless he —

- (a) has attained the age of eighteen;
- (b) has been trained in accordance with the Schedule to these regulations;
- (c) is competent to carry out those duties; and
- (d) has been appointed by the employer to carry out those duties in respect of the class or description of power press or the class or description of safety device to which the power press or the safety device (as the case may be) belongs; and every such appointment shall be made by signed and dated entry in, or by signed and dated certificate attached to, a register kept for the purposes of this regulation.

(2) Any appointment made under paragraph (1)(d) of this regulation may be made in respect of all the duties specified in paragraph (1) of this regulation or may be limited to certain of those duties, and where the said appointment is so limited, particulars of the limitation shall be set out in the entry or certificate (as the case may be) of the appointment.

(3) Every person appointed under the said paragraph (1)(d) shall be furnished by the employer with a copy of the entry or certificate of his appointment and of any entry revoking the same.

(4) Any appointment made under paragraph (1)(d) of this regulation may be revoked by the employer at any time by signed and dated entry in the said register.

(5) Paragraph (1) of this regulation shall not apply to and shall not prevent the employment on setting, re-setting, adjusting or trying out of the tools on a power press or on installing or adjusting as aforesaid a safety device thereon, or on the carrying out of an inspection and test of any safety device thereon required by regulation 7, of a person who (whether or not he has attained the age of eighteen) is undergoing training (whether or not in accordance with the Schedule to these regulations) for those duties or any of them and who is working under the immediate supervision of a competent person appointed under the said paragraph (1) in respect of the duties on which the first-mentioned person is employed, provided that an entry has been made in, or a certificate has been attached to the register kept for the purposes of this regulation, specifying that the said first-mentioned person is undergoing such training. Every such entry or certificate shall be signed by the said competent person and shall specify the date on which the entry was made or the certificate was given (as the case may be).

5. (1) No power press or safety device shall be taken into use in any factory for the first time in that factory, or in the case of a safety device for the first time on any power press, unless it has been thoroughly examined and tested, in the case of a power press, after installation in the factory, or in the case of a safety device, when in position on the power press in connection with which it is to be used, by a competent person.

Examination
and testing.

(2) No power press shall be used unless it has been thoroughly examined and tested by a competent person —

- (a) in the case of a power press on which the tools are fenced exclusively by means of fixed fencing within the immediately preceding period of twelve months; or

(b) in any other case, within the immediately preceding period of six months.

(3) No power press shall be used unless every safety device (other than fixed fencing) thereon has within the immediately preceding period of six months when in position on that power press, been thoroughly examined and tested by a competent person.

(4) The competent person carrying out an examination and test under the foregoing provisions of this regulation shall make a report of the examination and test in the approved form and containing the approved particulars and every such report shall within fourteen days of the completion of the examination and test be entered in or attached to a register kept for the purpose of this regulation.

Defects
disclosed during
a thorough
examination
and test.

6. (1) Where any defect is disclosed in any power press or in any safety device by any examination and test under regulation 5 and, in the opinion of the competent person carrying out the examination and test either —

(a) the said defect is a cause of danger to employed persons and in consequence the power press or safety device (as the case may be) ought not to be used until the said defect has been remedied;

(b) the said defect may become a cause of danger to employed persons and in consequence the power press or safety device (as the case may be) ought not to be used after the expiration of a specified period unless the said defect has been remedied,

such defect shall, as soon as possible after the completion of the examination and test, be notified in writing by the competent person to the employer of the factory and, in the case of a defect falling within sub-paragraph (b) of this paragraph such notification shall include the period within which, in the opinion of the competent person, the defect ought to be remedied.

(2) In every case where notification has been given under paragraph (1) of this regulation, a copy of the report made under regulation 5(4), shall be kept on the premises for inspection by any inspector.

(3) Where any such defect is notified to the employer in accordance with the foregoing provisions of this regulation the power press or safety device (as the case may be) having the said defect shall not be used —

(a) in the case of a defect falling within sub-paragraph (a) of paragraph (1) of this regulation until the said defect has been remedied; and

(b) in the case of a defect falling within sub-paragraph (b) of paragraph (1) of this regulation, after the expiration of the said specified period unless the said defect has been remedied.

(4) As soon as is practicable after any defect of which notification has been given under paragraph (1) of this regulation has been remedied, a record shall be made by or on behalf of the employer stating the measures by which and the date on which the defect was remedied. The said record, where practicable, shall be made in an approved form on the document containing the report of the examination and test under regulation 5 during which the defect was disclosed, or, in any other case, shall be made in writing and attached as soon as is practicable to the said report.

7. (1) No power press shall be used after the setting, re-setting or adjustment of the tools thereon unless a person appointed for the purpose under regulation 4(1) has inspected and tested every safety device thereon while it is in position on the said power press and has given a certificate in accordance with paragraph (2) of this regulation:

Inspection and test of safety devices.

Provided that an inspection, test and certificate as aforesaid shall not be required where any adjustment of the tools has not caused or resulted in any alteration to or disturbance of any safety device on the power press and if, after the adjustment of the tools, the safety devices, remain, in the opinion of such a person as aforesaid, in efficient working order.

(2) Every certificate of an inspection and test made under this regulation —

(a) shall contain sufficient particulars to identify every safety device inspected and tested and the power press on which that safety device was fitted at the time of the inspection and test;

(b) shall state the date and time of the inspection and test;

(c) shall be signed by the person carrying out the inspection and test; and

(d) shall state that every safety device on the said power press is in efficient working order.

(3) Every certificate of an inspection and test under this regulation shall be kept available at or near the power press to which it relates for inspection by the persons employed until the expiration of the period during which the said power press may be used in reliance upon that certificate and shall be preserved in the factory and kept available for a period of six months thereafter for inspection by any inspector.

8. (1) Where it appears to any person as a result of any inspection and test carried out by him under regulation 7 that any necessary safety device is not in position or is not properly in position on a power press or that any safety device which is in position on a power press is not in his opinion suitable, he shall notify the employer or his agent forthwith.

Defects disclosed during an inspection and test.

(2) Except as provided in paragraph (3) of this regulation, where any defect is disclosed in a safety device by any inspection and test under regulation 7, the person carrying out the inspection and test shall notify the employer or his agent forthwith.

(3) Where any defect in a safety device is the subject of a notification in writing under regulation 6 by virtue of which the use of the safety device may be continued during a specified period without the said defect having been remedied, the requirement in paragraph (2) of this regulation shall not apply to the said defect until the said period has expired.

9. For the purpose of identification in the registers required to be kept by these regulations, every power press and every safety device provided for the same shall be distinctively and plainly marked.

Identification.

10. Every register kept for the purposes of regulation 4 or 5 shall be preserved in the factory and kept available for inspection by any inspector for a period of two years after the date of the last entry in the register.

Preservation of registers.

Exemption
certificates.

11. The Director of Labour may (subject to such conditions as may be specified therein) by certificate in writing (which he may in his discretion revoke at any time) exempt from all or any of the requirements of these regulations —

(a) any power press or safety device or any class or description of power presses or safety devices; or

(b) any operation or process or any class or description of operations or processes;

if he is satisfied that the requirements in respect of which the exemption is granted are not necessary for the protection of persons employed or are impracticable or inappropriate. Where such exemption is granted a legible copy of the certificate, showing the conditions (if any) subject to which it has been granted, shall be kept posted in any factory, in which the exemption applies in a position where it may be conveniently read by the persons employed.

SCHEDULE

Particulars of training required by paragraph (1) of regulation 4

The training shall include suitable and sufficient practical instruction in the following matters in relation to each type of power press and safety device in respect of which it is proposed to appoint the person being trained, that is to say —

1. *Power press mechanism* with particular reference to their bearing on safety. The nature and function of clutch mechanism, flywheels, brakes and ancillary equipment.

2. *Safety devices.* Types of devices. Functions of each type of device. Methods of installing, inspecting and testing including detection of defects.

3. *Accident causation and prevention.* The causes and prevention of accidents with special references to power presses.

4. *The work of the tool setter.* Safe methods of working. Lubrication co-operation with the press operator.

5. *Tool Design* — in relation to safe methods of working.