



**PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

**FACTORIES (AMENDMENT)
ACT, No. 33 OF 2000**

[Certified on 21st July, 2000]

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Factories (Amendment) Act, No. 33 of 2000

[Certified on 21st July, 2000]

L.D.—O. 34/96.

AN ACT TO AMEND THE FACTORIES ORDINANCE

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows :—

1. This Act may be cited as the Factories (Amendment) Act, No. 33 of 2000. Short title.

2. The heading of Part I of the Factories Ordinance (hereinafter referred to as the “principal enactment”) is hereby amended by the substitution for the words “Registration and Licensing of Factories”, of the words “Registration of Factories”. Amendment of the heading of Part I of Chapter 128.

3. Section 2 of the principal enactment is hereby amended as follows :— Amendment of section 2 of the principal enactment.
 - (a) in subsection (1) of that section, by the substitution for the words “registered and licensed in accordance,” of the words “registered in accordance” ;
 - (b) in subsection (2) of that section, by the substitution for the words “registration and licensing required”, of the words “registration required” ;
 - (c) by the repeal of subsection (3) thereof, and the substitution of the following subsections therefor :—
 - (3) on and after the notified date no person shall commence—
 - (a) the construction of a factory building on any site ; or
 - (b) the making of any extension to any factory building ; or

(c) the conversion of any other building into a factory building,

unless the plans for such construction, extension or conversion, as the case may be, has been approved by the Chief Factory Inspecting Engineer or the District Factory Inspecting Engineer.

(4) Where approval under subsection (3) is not granted, the Chief Factory Inspecting Engineer or the District Factory Inspecting Engineer, as the case may be, shall inform in writing, the applicant the reasons therefor.”;

(d) by the renumbering of subsection (4) of that section as subsection (5) of that section ;

(e) in the marginal note of that section, by the substitution for the words “Registration and licensing of factories”., of the words “Registration of factories”.

Amendment of section 3 of the principal enactment.

4. Section 3 of the principal enactment is hereby amended as follows :—

(a) in subsection (1) of that section by the substitution for the words “registration and licensing”, of the word “registration,”;

(b) in subsection (2) of that section—

(i) by the repeal of paragraph (b) thereof, and the substitution of the following paragraph therefor :—

“(b) prescribe the form of application for registration ;”;

(ii) by the substitution in paragraph (c) thereof, for the words “registration and licensing”, of the word “registration,”;

- (iii) by the substitution in paragraph (d) thereof, for the words “registration or licensing”, of the word “registration”;
 - (iv) by the substitution in paragraph (e) thereof, for all the words from “licences may be issued” to the end of that paragraph, of the words “the circumstances in which such registration may be cancelled.”;
- (c) in subsection (3) of that section, by the substitution for the words “registration and licensing”, of the word “registration”.

5. Section 4 of the principal enactment is hereby repealed and the following section substituted therefor :—

Replacement of section 4 of the principal enactment.

“Notice of intention to commence the occupation of or the use of any premises as a factory and notice to be furnished in respect of a factory established before the date notified by the Minister under section 2.

4. (1) On and after the notified date no person shall commence the occupation of, or the use of any premises as, a factory unless he has, at least one month before the date on which it is intended to commence such occupation or use, served on the Chief Factory Inspecting Engineer or the District Factory Inspecting Engineer, a written notice, containing such particulars as may be prescribed. In the event of any change in the particulars so furnished, the occupier of such factory shall furnish to the Chief Factory Inspecting Engineer or the District Factory Inspecting Engineer a fresh written notice containing every such change of the particulars :

Provided however that such person may, after serving such notice commence such occupation or use on a date earlier than that specified in the notice, if he has obtained written permission to do so from the Chief Factory Inspecting Engineer or the District Factory Inspecting Engineer.

(2) The occupier of a factory established before the date notified by the Minister under section 2 and in use on such date, shall within a period of two months from such date, furnish to the Chief Factory Inspecting Engineer or the District Factory Inspecting Engineer a written notice in such form and containing such particulars as may be prescribed. In the event of any change in the particulars so furnished, the occupier of such factory shall furnish to the Chief Factory Inspecting Engineer or the District Factory Inspecting Engineer a fresh written notice *inter alia*, containing every such change of the particulars.”.

Amendment of section 5 of the principal enactment.

6. Section 5 of the principal enactment is hereby amended by the substitution in paragraph (a) of that section, for the words “written notice specifying,” of the words “written notice, within fifteen days of the expiration of such period, specifying”.

Amendment of section 36 of the principal enactment.

7. Section 36 of the principal enactment is hereby amended by the repeal of paragraph (d) of subsection (5) of that section and the substitution therefor of the following paragraph :—

(d) any vessel in which oil, liquid or similar substance is stored and from which it is forced by compressed air or by any gas ;”.

Amendment of section 58B of the principal enactment.

8. Section 58B of the principal enactment is hereby amended in subsection (1) of that section, by the substitution for the words “distributed or used,” of the words “distributed or used”.

Amendment of section 61 of the principal enactment.

9. Section 61 of the principal enactment is hereby amended in subsection (2) of that section, by the substitution for the word “disablement,” of the word “disablement”.

10. The following new section is hereby inserted, immediately after section 66 of the principal enactment and shall have effect as section 66A of that enactment :—

Insertion of a new section 66A in the principal enactment.

“Insurer to furnish information to the Chief Factory Inspecting Engineer.

66A. Where any claim for insurance compensation in respect of an accident, dangerous occurrence or an industrial disease referred to in sections 61, 62 and 63 of this Ordinance is made to an insurer authorized by or under any law to carry on insurance business in Sri Lanka, such insurer shall furnish to the Chief Factory Inspecting Engineer, such particulars relating to such accident, dangerous occurrence or industrial disease as may be required of him by the Chief Factory Inspecting Engineer.”.

11. Section 67 of the principal enactment is hereby amended in paragraph (c) of that section, by the substitution for the words “so however that one such interval”, of the words “so however that in respect of regular day time workers, one such interval”.

Amendment of section 67 of the principal enactment.

12. Section 80 of the principal enactment is hereby amended in subsection (2) of that section as follows :—

Amendment of section 80 of the principal enactment.

(a) by the re-numbering of paragraph (aa) of that subsection as paragraph (aaa) of that subsection ; and

(b) by the insertion, immediately after paragraph (a) of that subsection, of the following new paragraph :—

“(aa) Part III ;”.

13. Section 84 of the principal enactment is hereby amended in subsection (2) of that section as follows :—

Amendment of section 84 of the principal enactment.

(a) by the substitution in paragraph (a) of that subsection for the words “registration and licensing”, of the word “registration”; and

- (b) by the repeal of paragraphs (c) and (d) of that subsection and the substitution of the following paragraph therefor :—

“(c) the provisions of Part III relating to safety”.

Sinhala text to prevail in case of inconsistency.

14. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.